Lieut. William L. Burchfield, who failed to qualify for promotion and was suspended.

Pay Director Lawrence G. Boggs, on the active list of the Navy, to be a pay director in the Navy on the retired list with the rank of rear-admiral from the 5th day of April, 1908, the date upon which he will be retired in accordance with the provisions of an act of Congress approved June 29, 1906.

P. A. Paymaster David G. McRitchie to be a passed assistant paymaster in the Navy with the rank of lieutenant from the 30th day of July, 1906.

POSTMASTER.

MISSOURI.

Robert E. Ward to be postmaster at Liberty, Clay County, Mo., in place of Andrew J. Robison. Incumbent's commission expired November 17, 1907.

CONFIRMATIONS.

Executive nominations confirmed by the Senate March 17, 1908.

UNITED STATES ATTORNEY.

John McCourt, of Oregon, to be United States attorney for the district of Oregon.

PROMOTIONS IN THE NAVY.

Lieut. Commander Reuben O. Bitler to be a commander in the Navy from the 1st day of July, 1907.

Lieut. Commander Joseph L. Jayne to be a commander in the Navy from the 3d day of January, 1908.

Lieut. (Junior Grade) David Lyons to be a lieutenant in the Navy from the 30th day of July, 1907.

Capt. Melville J. Shaw to be a major in the Marine Corps from the 1st day of January, 1908.

POSTMASTERS.

KANSAS.

Joseph H. Smith to be postmaster at Downs, Osborne County, Kans.

NEW YORK.

Edward Reed to be postmaster at Glens Falls, Warren County, N. Y.

NORTH DAKOTA.

John W. Doles to be postmaster at Stanley, Ward County, N. Dak.

OHIO.

John F. White to be postmaster at Logan, Hocking County, Ohio.

HOUSE OF REPRESENTATIVES.

TUESDAY, *March 17, 1908.*

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

GENERAL PENSION BILL.

The SPEAKER. The Chair announces the conferees on the general pension bill—Mr. SULLOWAY, Mr. LOUDENSLAGER, and Mr. WEISSE.

THREE TREE POINT MILITARY RESERVATION, WASH.

Mr. CUSHMAN. Mr. Speaker, I ask unanimous consent for the present consideration of the Senate bill 626.

The bill was read, as follows:

A bill (S. 626) authorizing and empowering the Secretary of War to locate a right of way for and granting the same and a right to operate and maintain a line of railroad through the Three Tree Point Military Reservation, in the State of Washington, to the Grays Harbor and Columbia River Railway Company, its successors and assigns.

Be it enacted, etc., That the Secretary of War may authorize the Grays Harbor and Columbia River Railway Company to build a railroad and telegraph line through the Three Tree Point Military Reservation on Columbia River, and to that end may set aside for occupancy by said Grays Harbor and Columbia River Railway Company such ground, and no more, as is actually required for the necessary track, embankments, or trestles: *Provided*, That the ground so occupied shall remain the property of the United States under such police and other military control as the military authorities may deem it necessary to exercise: *Provided further*, That the said railway company shall compensate the United States for all timber that may be cut and shall pay such reasonable annual rental for such right of way as may be fixed by the Secretary of War: *Provided further*, That the location and grade of said railroad and other details of construction within the limits of the reservation, also all matters pertaining to the operation and maintenance of said railroad, shall be under such regulations as the Secretary of War may deem it advisable to establish in the interest of the military service and as a safeguard against fire to Government timber lands: *Provided further*, That nothing in this act shall be construed as authorizing the use of any portion of the reservation as a borrow pit for fills and embankments, unless specially authorized so to do by the Secretary of War and upon the payment of such compensation as may be fixed by him.

SEC. 2. That this act shall be null and void if actual construction of the road be not commenced within two years from date of approval hereof.

SEC. 3. That Congress reserves the right to alter, amend, or repeal this act.

The SPEAKER. Is there objection?

Mr. MANN. Will the gentleman yield for a question?

Mr. CLARK of Missouri. Mr. Speaker, what committee does this bill come from?

Mr. CUSHMAN. From the Military Committee.

Mr. CLARK of Missouri. Has the House Military Committee ever considered it?

Mr. CUSHMAN. It has been favorably reported by the House Committee on Military Affairs.

Mr. CLARK of Missouri. How much land does this take?

Mr. CUSHMAN. It sets aside for right-of-way purposes the usual width of a railroad right of way through the entire reservation.

Mr. CLARK of Missouri. How large is the reservation?

Mr. CUSHMAN. The reservation is located about 22 miles above the mouth of the Columbia River, and upon the banks of the river. There are about 2 square miles in the reservation. I think the reservation is about a mile and a half in length and about three-quarters of a mile in width.

Mr. CLARK of Missouri. I notice that you make provision to pay for the timber you cut off.

Mr. CUSHMAN. Yes.

Mr. CLARK of Missouri. And pay a rental?

Mr. CUSHMAN. Yes, sir.

Mr. CLARK of Missouri. Who fixes the rental?

Mr. CUSHMAN. The Secretary of War.

Mr. CLARK of Missouri. I guess he ought to know something about it.

Mr. MANN. Will the gentleman yield?

Mr. CUSHMAN. Certainly.

Mr. MANN. Is this bill in the form in which it was prepared by the War Department itself?

Mr. CUSHMAN. Exactly.

Mr. CLARK of Missouri. Is this bill unanimously reported by the committee?

Mr. CAPRON. It is.

Mr. HULL of Iowa. The bill itself is exactly as the War Department prepared it, and safeguards the interests of the Government in the reservation. In fact, it goes further than usual by requiring a rental to be paid for the land. We have granted in Oklahoma and other places rights of way for railroads without requiring any rent, reserving the right to have the tracks removed, as this does.

Mr. CLARK of Missouri. But where you grant the right of way you sell the land?

Mr. HULL of Iowa. They only get the right of way.

Mr. MANN. Has this military reservation ever been used for any purpose?

Mr. CUSHMAN. Not at all. It was reserved a great many years ago for a military reservation, and is still so reserved, but it has never been fortified.

Mr. MANN. What was the military reservation there for?

Mr. CUSHMAN. Simply because it was situated on the banks of the Columbia River. The Columbia River is a navigable stream, and the War Department a number of years ago established several military reservations, one at the mouth of the river, which is now fortified, another one 22 miles up the river, which has never been fortified and never been used as a reservation for military purposes, but is still reserved so it can be used for that purpose.

Mr. MANN. Under authority of law the President has set aside certain public lands for military reservations because it might be needed.

Mr. CUSHMAN. Yes; because it might be needed in the future.

Mr. CLARK of Missouri. Has any part of this road been built?

Mr. CUSHMAN. No; because they must first procure the right of way before they can build their road; but this bill specifically provides that this act shall be null and void if actual construction of the road be not commenced within two years from the date of approval hereof.

Mr. HULL of Iowa. I will state to the gentleman from Missouri that in these large military reservations unless Congress does grant the right of way it virtually blocks the people from beginning construction at all. They would have to go around some 20 or 30 miles.

Mr. CUSHMAN. The railroad is to run along the north bank of the Columbia River in the State of Washington.

Mr. CLARK of Missouri. Where does it start?

Mr. CUSHMAN. This road as surveyed is to start from the main line of the Northern Pacific Line and run from that point down the Columbia River to the ocean.

Mr. CLARK of Missouri. You have every reason to believe they are going to build the road?

Mr. CUSHMAN. I have, certainly.

Mr. CLARK of Missouri. It is not a speculative concern?

Mr. CUSHMAN. No, indeed.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to a third reading, and it was accordingly read the third time and passed.

On motion of Mr. CUSHMAN, a motion to reconsider the vote by which the bill was passed was laid on the table.

LIGHT-HOUSE ESTABLISHMENT.

Mr. TAWNEY. Mr. Speaker, I call up Senate joint resolution 69, granting authority for the use of certain balances of appropriations for the Light-House Establishment, to be available for certain named purposes, and I ask unanimous consent that the Committee of the Whole House on the state of the Union be discharged from the consideration of it and that it be considered in the House.

The SPEAKER. The gentleman from Minnesota asks unanimous consent for the present consideration of the joint resolution which he sends to the desk, and that the Committee of the Whole House on the state of the Union be discharged from the further consideration of the same, and that it may be considered in the House. The Clerk will report the joint resolution.

The Clerk read as follows:

Resolved, etc., That the balances of the appropriations for the construction of vessels for the Light-House Establishment appropriated for in the acts of Congress approved April 28, 1904 (33 Stats., 468); March 3, 1905 (33 Stats., 1171); June 30, 1906 (34 Stats., 659, 660, 710, and 711), and March 4, 1907 (34 Stats., 1317, 1318, and 1319), are hereby made available for the pay of officers and crews, the payment of consular fees, port dues, and exchange, the purchase of provisions, rations, fuel, engineer stores and supplies, pilotage, water, laundry, and all other necessary incidental expenses in the transfer of the following-named vessels of the Light-House Establishment from Tompkinsville, N. Y., where they are to be delivered when completed, to their respective stations: Tenders for the twelfth light-house district, for the thirteenth light-house district, for the Pacific Ocean, for Lake Superior; relief light-vessel for the Pacific coast; Columbia River light-vessel, Oregon; Swiftsure Bank light-vessel, Washington.

The SPEAKER. Is there objection?

Mr. CLARK of Missouri. Mr. Speaker, when there is an appropriation made for any particular purpose, for a year, the surplus of the appropriation that is not used goes back into the general fund of the Treasury, does it not, by automatic action?

Mr. TAWNEY. Yes; under the covering-in act.

Mr. KEIFER. Not in this case.

Mr. TAWNEY. The gentleman from Missouri is speaking of the annual appropriations. I will state for the information of the gentleman from Missouri and the other Members of the House that these are balances left over from appropriations that were made for the construction of vessels, and in submitting the estimates for appropriation for these vessels originally, they included $15,000 in addition, either because of the increased cost of constructing them on the Pacific coast, if they were constructed there, or to defray the expense of transferring them around to the Pacific coast if constructed on the Atlantic coast.

On the 28th of February last the Comptroller of the Treasury held that these balances were not available for the purpose of sending the vessels around to the Pacific coast. They were all constructed on the Atlantic coast. Now, the $15,000 included in the original appropriation, being a balance, is not available under his decision, for this purpose. It is necessary, therefore, to enact a law making these balances available for this purpose.

Mr. CLARK of Missouri. If the statute made that authorization originally, what sense is there in his ruling?

Mr. TAWNEY. The authorization did not specifically provide that this $15,000 should be used for that purpose, and I will say that heretofore the appropriations have been made in the same way, and the balances have been used for the transfer of the vessels to the Pacific coast, and that would have been done in this case but for the decision of the Comptroller.

Mr. MANN. This is for the transfer of the light-ships?

Mr. TAWNEY. For the light-ships.

The SPEAKER. Is there objection?

There was no objection.

The joint resolution was ordered to a third reading, and was accordingly read the third time and passed.

On motion of Mr. TAWNEY, a motion to reconsider the last vote was laid on the table.

CANNON FOR WINCHESTER, VA.

Mr. HAY. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 18689) to authorize the Secretary of War to furnish two condemned brass or bronze cannon and cannon balls to the city of Winchester, Va.

The SPEAKER. The gentleman from Virginia asks unanimous consent for the present consideration of a bill which the Clerk will report.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to furnish to the city of Winchester, Va., two brass or bronze condemned field pieces or cannon, with a suitable outfit of cannon balls, which may not be needed in the service, the same to be used at the old headquarters of Gen. George Washington, which are now owned by said city, and to be subject at all times to the order of the Secretary of War: *Provided*, That no expense shall be incurred by the United States in the delivery of the same.

With the following amendment:

After the word "cannon," in line 5, add the words "with their carriages and."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

On motion of Mr. HAY, a motion to reconsider the last vote was laid on the table.

MONONGAHELA CITY BRIDGE, PENNSYLVANIA.

Mr. WANGER. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 13448) to authorize the counties of Allegheny and Washington, in the State of Pennsylvania, to change the site of the joint county bridge which now crosses the Monongahela River at Monongahela City, Pa., and to construct a new bridge across said river in the place of said present bridge upon a new site.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent for the present consideration of a bill which the Clerk will report.

The Clerk read as follows:

Be it enacted, etc., That the counties of Allegheny and Washington, in the State of Pennsylvania, be, and they are hereby, authorized to construct, maintain, and operate a joint county bridge and approaches thereto across the Monongahela River at Monongahela City, in the State aforesaid, upon a site located at a distance of about 1,000 feet down the stream of said river from the existing bridge across the same, which connects Monongahela City, in Washington County, with Forward Township, in Allegheny County, and is now maintained by the said two counties jointly for the uses and purposes of general public travel. The said bridge hereby authorized shall be constructed in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and upon its construction shall take the place of and be substituted for the aforesaid existing bridge, which shall thereupon be torn down and removed.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

With the following amendment:

At the end of section 1 add the following:

"*Provided*, That the new bridge hereby authorized shall be completed within eighteen months from date of approval of this act, and the existing bridge shall be completely removed within six months thereafter: *Provided further*, That this act shall not be construed as nullifying the orders of the Secretary of War, issued under date of October 10, 1906, to the commissioners of the counties of Allegheny and Washington, Pa., and the Williamsport Bridge Company, requiring the alteration of the existing bridge, but the said orders shall remain in full force and effect, and unless the new bridge is built and the present bridge is removed within the time specified in this act the aforesaid parties shall be liable to the penalties prescribed in section 18 of the river and harbor act of March 3, 1899, for failure to comply with the lawful orders of the Secretary of War."

The SPEAKER. Is there objection?

There was no objection.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

On motion of Mr. WANGER, a motion to reconsider the last vote was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, one of its secretaries, announced that the Senate had disagreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 15219) making appropriations for the current and contingent expenses of the Indian Department, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1909, disagreed to by the House of Representatives, had insisted upon its amendments, had asked a further conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. CLAPP, Mr. MCCUMBER, and Mr. OWEN as the conferees on the part of the Senate.

The message also announced that the Senate had passed bills and joint resolution of the following titles, in which the concurrence of the House of Representatives was requested:

S. 3530. An act to provide for the erection of a public building at Oklahoma City, Okla.;

S. 1036. An act for the relief of patentees and locators of military bounty land warrants, agricultural college land scrip, and surveyor-general's certificates;

S. 1072. An act to authorize the extension and enlargement of the post-office building at Fremont, Nebr.; and

S. R. 68. Joint resolution providing for additional lands for Idaho under the provisions of the Carey Act.

The message also announced that the Senate had passed, with amendment, bill of the following title, in which the concurrence of the House of Representatives was requested:

H. R. 15841. An act to amend section 4896 of the Revised Statutes.

The message also announced that the Senate had passed, without amendment, bill of the following title:

H. R. 16143. An act to provide for payment of the claims of the Roman Catholic Church in the Philippine Islands.

SENATE BILLS AND JOINT RESOLUTION REFERRED.

Under clause 2, Rule XXIV, Senate bills and joint resolution of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 1036. An act for the relief of patentees and locators of military bounty land warrants, agricultural college land scrip, and surveyor-generals' certificates—to the Committee on the Public Lands.

S. 1072. An act to authorize the extension and enlargement of the post-office building at Fremont, Nebr.—to the Committee on Public Buildings and Grounds.

S. 3530. An act to provide for the erection of a public building at Oklahoma City, Okla.—to the Committee on Public Buildings and Grounds.

S. R. 68. Joint resolution providing for additional lands for Idaho under the provisions of the Carey Act—to the Committee on the Public Lands.

ENROLLED BILL SIGNED.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 16143. An act to provide for payment of the claims of the Roman Catholic Church in the Philippine Islands.

ALIENATION OF LANDS OF ALLOTTEES OF THE QUAPAW AGENCY, OKLA.

Mr. HACKNEY. Mr. Speaker, I ask unanimous consent for the present consideration of the bill H. R. 16743, for the removal of the restrictions on alienation of lands of allottees of the Quapaw Agency, Okla., and the sale of all tribal lands, school, agency, or other buildings on any of the reservations within the jurisdiction of such agency, and for other purposes.

The Clerk read the bill, as follows:

Be it enacted, etc., That from and after sixty days from the passage of this act all restrictions as to sale, incumbrance, or taxation on lands allotted to members of the various tribes of the Quapaw Agency, Okla., are hereby removed, except as to 40 acres of each allotment in the Quapaw, Peoria, Miami, Ottawa, Eastern Shawnee, Wyandot, and Seneca reservations and except as to 24 acres in the Modoc Reservation: *Provided*, That the Secretary of the Interior may, in his discretion, and he is hereby authorized, whenever he shall be satisfied that any allottee of said agency is competent and capable of managing his or her affairs at any time, to cause to be issued to such allottee a patent in fee simple for such portion of his or her allotment hereby reserved for sale, incumbrance, or taxation, and thereafter all restrictions as to sale, incumbrance, or taxation of said land covered by such fee-simple patent shall be removed: *Provided further*, That any sale, incumbrance, or contract for sale or incumbrance made or entered into by or on behalf of any allottee prior to the expiration of sixty days from the passage of this act or prior to the issuance of such fee-simple patent shall be absolutely null and void.

SEC. 2. That within sixty days after the passage of this act each allottee of the Quapaw Agency, the father, and in case of no father then the mother, and in case of no father or mother then the legal guardian, acting for the minor child, shall select the portion of each allotment hereby reserved from sale, incumbrance, or taxation and file with the Secretary of the Interior, the Commissioner of Indian Affairs, or the officer in charge of said agency a description thereof: *Provided*, That if no such selection shall be made as above provided, then the Secretary of the Interior is hereby authorized to make such selection for and in behalf of any allottee, and such selection when so made shall be conclusive evidence that such land is reserved from alienation, incumbrance, or taxation.

SEC. 3. That the Secretary of the Interior be, and he is hereby, authorized to sell all the tribal lands within the jurisdiction of the Quapaw Agency, and all agency, school, or other Government buildings on any reservation within the jurisdiction of said agency, at public auction or by sealed bids, under such regulations as he may prescribe; and he is hereby authorized to convey all lands so sold to the purchaser thereof by patents in fee. And all lands within such agency which have heretofore been reserved for agency, school, or other purposes shall, on approval of this act, revert to the tribe within whose reservation the lands are located and be sold as tribal lands as herein provided.

SEC. 4. That after the sale of all such lands as provided herein, the net proceeds of such sale, together with all funds belonging to such tribes from whatever source derived, shall be apportioned and paid pro rata, under direction of the Secretary of the Interior, to the members of each of the respective tribes.

The SPEAKER. Is there objection?

There was no objection.

The bill was ordered to be engrossed and read a third time; and being engrossed, was read the third time and passed.

On motion of Mr. HACKNEY, a motion to reconsider the vote whereby the bill was passed was laid on the table.

PRESENTATION OF STATUE OF WASHINGTON TO SMITHSONIAN INSTITUTION.

Mr. MANN. Mr. Speaker, I ask unanimous consent for the present consideration of House joint resolution 134, authorizing the presentation of the statue of President Washington now located in the Capitol grounds to the Smithsonian Institution.

The Clerk read the joint resolution, as follows:

Resolved, etc., That the statue of President Washington, now located in the Capitol grounds east of the Capitol, be, and the same is hereby, presented to the Smithsonian Institution.

The following committee amendment was read:

Strike out in lines 5, 6, and 7 the words "to aid that institution in its efforts to establish a National Gallery of Art in the city of Washington."

The SPEAKER. Is there objection?

Mr. CLARK of Missouri. Mr. Speaker, reserving the right to object, I want to ask the gentleman from Illinois some questions. Is it in contemplation to establish a museum of art down there the general nature of which is to be the same as the statue in front of the Capitol?

Mr. MANN. The amendment to the bill strikes out that portion of the bill. The Greenough statue, if the joint resolution passes, will probably be put in the new National Museum, not so much as an object of art, as an object of historic value. The history of the statue is rather interesting.

It is the result of a resolution passed by Congress in 1832. On February 16 of that year the House proceeded to the consideration of the following resolution, to wit:

Resolved, That the President of the United States be authorized to employ Horatio Greenough, of Massachusetts, to execute in marble a full-length pedestrian statue of Washington, to be placed in the center of the Rotunda of the Capitol; the head to be a copy of Houdon's Washington (in the capitol at Richmond) and the accessories to be left to the judgment of the artist.

On the consideration of this resolution, it was said by Mr. Jarvis, in charge of the resolution, that at the close of the Revolutionary war the Congress (ten States being present by their Representatives) had unanimously voted a statue of General Washington as a testimony of their esteem for his virtues and the services he had rendered to his country. In 1799 a resolution had passed unanimously for a monument instead of a statue. In 1800 the monument had been exchanged for a mausoleum:

This last resolution had in fact proved as fruitful as those which had preceded it. Several of the States had in the meanwhile showed their sense of Washington's virtues and services by erecting statues to his memory. The United States had done nothing but pass resolutions. When we looked around for the statue, the monument, the mausoleum they had ordered it was not to be seen. Those things existed nowhere but in the Journals of Congress. It was time that something more effectual should be done.

At the time this resolution was passed and the statue ordered it was the intention of Congress to place it over the vaulted tomb of Washington, which was to be constructed in the crypt of the Capitol, with an opening through the floor of the Rotunda. Washington's remains were then entombed at Mount Vernon under the control of private ownership. The death of the proprietor of the Mount Vernon estate had just taken place and it could not be known whether the tomb of Washington would eventually fall into the hands of a friend or stranger, and it was the hope of Congress that his remains might be removed to the Capitol building and entombed there.

While the original plan could not be carried through, because the owners of the Mount Vernon estate declined to permit the removal of Washington's remains, yet provision was made by Congress in 1840 for "a suitable foundation for supporting the colossal statue of Washington in the center of the Rotunda of the Capitol," and such foundations were actually laid and the statue was placed in the Rotunda.

But in 1843 Congress made an appropriation to remove the statue to the east side of the Capitol grounds, with a view of placing it "on a pedestal, under shelter, and in proper position."

When the Capitol grounds were improved under the direction of Frederick Law Olmsted in 1875 the statue of Washington was placed in the position it now occupies.

At the time that Greenough was selected by Congress as the artist it was stated, on the consideration of the resolution, that

he was considered as about to become the successor of Canova and of Chantry, and likely to become the greatest sculptor of his time. It was said that Mr. Greenough had no rival among his countrymen; that he stood alone and that there was, therefore, nothing invidious in the introduction of his name into the resolution. It was said by Mr. Dearborn in the House, on the consideration of the resolution, that he felt confident "when the work should have been completed the whole world would consider it not only as honorable to the country, but as conferring immortality upon the artist."

While the Smithsonian Institution has not formally agreed to take the statue, it is probable that that institution will be quite willing to accept the statue, to be placed in connection with the new National Museum.

The following indicates the opinion of Doctor Walcott, the Secretary of the Smithsonian Institution:

DEAR MR. MANN: In response to your request I have recently made a thorough examination of the Greenough statue of Washington, which is located on the plaza east of the Capitol. The statue is being injured by weathering, owing to the softness of the marble, and it should be protected both as an object of historical interest and of art.

If the statue is transferred to the custody of the Smithsonian Institution, I will endeavor, with the approval of the Regents of the institution, to provide a suitable place for it.

As the present granite base is inappropriate, provision should be made for a marble base in keeping with the statue, and also for the cost of moving and properly resetting the statue.

Very truly, yours,

CHAS. D. WALCOTT, *Secretary.*

HON. JAMES R. MANN,
United States House of Representatives,
Regent of the Smithsonian Institution, Washington, D. C.

The statue was located in the Rotunda, I think, in 1841. Two or three years after it was moved outside. It used to be covered every winter, but this winter it has not been covered. It is rapidly deteriorating where it is. Its principal worth is to maintain it as an object of historic interest. I hope we will be able to place it in the National Museum.

Mr. McCALL. Mr. Speaker, I want to say that the bill has my hearty indorsement as it was reported by the Committee on the Library. The gentleman from Illinois is a Regent of the Smithsonian Institution, and I want to ask the gentleman if he will take an interest in some other works of art in the vicinity of the Capitol and be willing to have them presented to the Smithsonian Institution?

Mr. MANN. Well, Mr. Speaker, while there are a large number of objects, so-called works of art, in and around the Capitol which ought to be embalmed in some place outside of the Capitol, I doubt whether the Smithsonian Institution would be willing to take all of them, even as historic objects. We might establish a collection of art freaks and fill it full from not a great distance from the Capitol, but this statue is on a different basis.

Mr. McCALL. I want to say on that point that this is regarded by artists as a superior work of art. It is the work of Greenough, who was a celebrated sculptor in his day. I understand the work is deteriorating, exposed to the action of the weather—the rain, the wind, the frost, and the sunshine—and that it is very desirable to have it protected in some way.

With reference to the figure, I will say that an old artist who is skilled in interpreting the meaning of works of art was asked what Washington was doing, what he meant by extending his hand, and the artist replied that he was reaching for his clothes, which were down in the Smithsonian Institution. [Laughter.] So it would seem proper that the statue itself should go there.

Mr. PAYNE. Mr. Speaker, I think the House will pass the resolution now. [Laughter.]

Mr. McCALL. I was hoping, Mr. Speaker, that we might get the gentleman from Illinois [Mr. MANN], in order to pass his resolution through the House, to consent to take, for instance, the statue of the distinguished Missourian, Tom Benton, which I understand the gentleman from Missouri [Mr. CLARK] is ashamed to look at as he goes through the chamber of horrors called "Statuary Hall," and then I hope also that the gentleman may take an interest in another statue which has recently been added to the collection. Since Curry was presented I think the collection can boast the most magnificent frock coat that America has yet produced. We have a number of others which I trust the gentleman will have his eye on.

Mr. MANN. Mr. Speaker, I may say to the gentleman that while the Smithsonian Institution and the National Museum are the resting place and the storehouse for various sorts of articles gathered from all parts of the world, representing almost every variety of human ingenuity, yet the line will be drawn on a large amount of art that is accepted at the Capitol, and they will refuse to take it, in my judgment.

The SPEAKER. The question is on the amendment.

The question was taken, and the amendment was agreed to.

The SPEAKER. The question now is on the engrossment and third reading of the joint resolution.

The resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

LEASING ALLOTTED OR UNALLOTTED INDIAN LANDS FOR MINING PURPOSES.

Mr. STEPHENS of Texas. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 17301) to authorize the Secretary of the Interior to lease allotted or unallotted Indian lands for mining purposes, which I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That any mineral lands in any Indian reservation created by act of Congress, treaty, or Executive order which contain valuable minerals, petroleum, or other mineral products, or coal or saline beds, or lands containing clays, building or other stone of commercial value shall be subject to lease by the Secretary of the Interior on such terms and under such regulations as he may prescribe; and any such lands allotted to an Indian under any law or treaty, with restrictions on alienation, may be leased by the allottee, with the approval of the Secretary of the Interior, on such terms and under such regulations as he may prescribe: *Provided,* That the provisions of this act shall not appy to the Five Civilized Tribes.

With the following amendment:

Page 1, line 8, insert "for a term not to exceed twenty-five years."

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I think the gentleman ought to make some explanation.

Mr. STEPHENS of Texas. Mr. Speaker, I will state to the gentleman for his information that this bill comes from the Committee on Indian Affairs with the unanimous report.

The report is as follows:

[House Report No. 1225, Sixtieth Congress, first session.]

LEASE OF ALLOTTED OR UNALLOTTED INDIAN LANDS FOR MINING PURPOSES.

March 12, 1908.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. STEPHENS, from the Committee on Indian Affairs, submitted the following report (to accompany H. R. 17301):

The Committee on Indian Affairs, to whom was referred the bill (H. R. 17301) to authorize the Secretary of the Interior to lease allotted or unallotted Indian lands for mining purposes, having examined the same, report favorably with the following amendment, viz:

After the word "lease," in line 7, page 1, insert the words "for a term not to exceed twenty-five years."

The bill as thus amended will read as follows, viz:

"*Be it enacted, etc.,* That any mineral lands in any Indian reservation created by act of Congress, treaty, or Executive order which contain valuable minerals, petroleum, or other mineral products, or coal or saline lands, or lands containing clays, building or other stone of commercial value shall be subject to lease for a term not to exceed twenty-five years by the Secretary of the Interior, on such terms and under such regulations as he may prescribe; and any such lands allotted to an Indian under any law or treaty, with restrictions or alienation, may be leased by the allottee, with the approval of the Secretary of the Interior, on such terms and under such regulations as he may prescribe: *Provided,* That the provisions of this act shall not apply to the Five Civilized Tribes."

This bill, except the amendment, was recommended by the Secretary of the Interior by letter dated February 6, 1908, which letter is as follows, viz:

DEPARTMENT OF THE INTERIOR,
Washington, February 6, 1908.

SIR: I am in receipt of your letter of the 18th instant, inclosing a copy of H. R. 121, entitled "A bill to subject the mineral lands on the Indian reservations in the United States and Territories to location, operation, development, and entry, and for other purposes," with request for a report embodying my opinion as to the advisability of the legislation proposed.

The title is significant of the purposes of the bill, which, if enacted into law, would authorize mineral locations on Indian reservations in the same manner as other mineral lands of the United States are subject to location, development, operation, and entry.

No provision is made in the bill for payment to the Indians for the lands which would be taken from them should the bill become a law. I believe this would be unjust to the Indians. Realizing, however, that the mineral resources of allotted and unallotted Indian lands should not remain idle and undeveloped, I had caused to be prepared a draft of a bill for submission to Congress, a copy of which is inclosed, which not only permits the leasing of Indian mineral lands in a reservation, but provides that any land allotted to an Indian under any law or treaty may be leased under such regulations as the Secretary of the Interior may prescribe.

H. R. 121 is objectionable in that if enacted into law it will authorize mineral locations to be made on any Indian reservation without restrictions.

Experience has shown that this is unjust to the Indians, as the inrush of prospective miners is always prejudicial to the Indians' interests, and, in justice to them, the Department should not recommend favorable action on any bill that would render them insecure in their homes. I therefore respectfully recommend that the inclosed draft of a bill be substituted for H. R. 121.

Very respectfully,

JAMES RUDOLPH GARFIELD,
Secretary.

Hon. J. S. SHERMAN,
Chairman Committee on Indian Affairs,
House of Representatives.

"A bill to authorize the Secretary of the Interior to lease allotted or unallotted Indian lands for mining purposes.

"*Be it enacted, etc.,* That any mineral lands in any Indian reservation created by act of Congress, treaty, or Executive order which contain valuable minerals, petroleum, or other mineral products, or coal and sa-

line lands, or lands containing clays, building or other stone of commercial value, shall be subject to lease by the Secretary of the Interior on such terms and under such regulations as he may prescribe; and any such lands allotted to an Indian under any law or treaty, with restrictions on alienation, may be leased by the allottee, with the approval of the Secretary of the Interior, on such terms and under such regulations as he may prescribe: *Provided*, That the provisions of this act shall not apply to the Five Civilized Tribes."

Your committee further reports that the bill H. R. 121 (referred to by the Secretary in the above letter) was introduced in the House of Representatives by Mr. STEPHENS of Texas on December 2, 1907. Said bill is as follows, viz:

"A bill to subject the mineral lands on the Indian reservations in the United States and Territories to location, operation, development, and entry, and for other purposes.

"Whereas in the Indian reservations in the United States and Territories there are situated copper, gold, and other mineral veins; and

"Whereas the said Indians occupying and assigned to said reservations have no disposition to operate any of the said mineral lands, and interpose no objection to their operation: Therefore

"*Be it enacted, etc.*, That all of the mineral lands in the mountainous parts, aside from the agricultural sections, situated within the boundaries of the Indian reservations in the United States and Territories be, and the same are hereby, declared to be open for location, development, operation, and entry by the citizens of the United States, in the same manner and upon the same terms as other mineral lands of the United States are now subject to location, development, operation, and entry; and that all of said mineral lands in said reservations shall be subject to location, development, operation, and entry, and governed by the same laws, rules, and regulations the same as other mineral lands of the United States are now so subject to location, development, operation, and entry.

"SEC. 2. That this act shall take effect and be in force from and after its passage."

Your committee is of the opinion that it is very necessary that this bill should become a law, for the reason that there is now no law authorizing the sale or lease or development of the minerals on Indian lands, and such a condition is very undesirable. The Indians will not develop their mining lands, and the white man can not do so for the reason that there is now no law authorizing the development and working of mines on Indian lands; hence the necessity for the enactment of this legislation is very manifest and desirable.

It is a bill that has been substituted by the Interior Department—or rather, a draft was substituted for bill 121, and this entire bill was drafted in the Department, with the exception of the amendment. That amendment provides that leases shall not run longer than twenty-five years. I will further state that within the last ten years we have adopted the policy to allot tribal lands to the individual Indians all over the United States. These Indians are still regarded as the wards of the nation, and they can not lease their lands for any purpose, save agricultural purposes, for a period of not to exceed five years.

Mr. CRUMPACKER. Does the bill contemplate the leasing of the surface or the lands?

Mr. STEPHENS of Texas. The mines only, or rather for mining purposes only.

Mr. CRUMPACKER. I had the impression that the phraseology of the bill was broad enough to cover the leasing of the surface as well as the mines.

Mr. STEPHENS of Texas. I will state to the gentleman there is a separate statute for that, permitting the surface to be leased for agricultural purposes for a period not to exceed five years. That is the general law for the Five Civilized Tribes in Oklahoma.

Mr. MANN. This bill would cover both.

Mr. CRUMPACKER. It occurs to me that the phraseology of the bill under consideration is such as to cover both leases for agricultural and mining purposes. I doubted if the gentleman desired to have twenty-five-year leases made for agricultural purposes.

Mr. STEPHENS of Texas. I think, if the gentleman will permit me to read that section, he will see that he is in error:

That any mineral lands in any Indian reservation created by act of Congress, treaty, or Executive order which contain valuable minerals, petroleum, or other mineral products, or coal or saline lands, or lands containing clays, building or other stone of commercial value, shall be subject to lease, etc.

The language itself indicates nothing but mineral lands, and the minerals therein can be leased.

Mr. CRUMPACKER. I suppose the description "mineral lands" covers the lands themselves, and would include probably the surface as well as the mineral deposits in the general description.

Mr. MANN. If the gentleman from Texas will yield, might it not be absolutely necessary that the authority to lease the surface of the lands be given? Otherwise it would not be possible to make use of the mineral below—without some use of the surface lands.

Mr. CRUMPACKER. Of course the authority to lease the mineral deposits would carry with it authority to lease such rights of ingress and egress on the surface as may be necessary for a proper use of the mineral deposits or a proper development of the mines, but I understand there is a good deal of friction down in the State of Oklahoma at this time in relation to mineral lands. Squatters have located on considerable tracts of land on the surface and are refusing to pay rent or vacate.

Mr. STEPHENS of Texas. I will state that in the State of Oklahoma the Five Civilized Tribes country is exempted from the condition of this act.

Mr. CRUMPACKER. The gentleman is familiar with the difficulties they are having down there now in undertaking to enforce the collection of rents from squatters upon mineral lands, the deposits on which may have been leased heretofore. Are those lands entirely owned by what are called the Five Civilized Tribes?

Mr. STEPHENS of Texas. Yes; they are owned by the Indians, but this bill does not apply to the Five Civilized Tribes at all in that part of Oklahoma. It only refers to the Indians outside of the Five Civilized Tribes in Oklahoma. It does not apply to those tribes at all. There are special laws that govern the leasing of these Oklahoma lands.

Mr. CRUMPACKER. Is it the purpose of this bill to authorize only the leasing of the mineral deposits—of oil, coal, stone, and so forth?

Mr. STEPHENS of Texas. That is the exact purpose of the bill. And the leases are to be made by the Secretary, under the rules and regulations that may be prescribed by him.

Mr. CRUMPACKER. It is not contemplated now that under the provisions of this bill the surface of the land for agricultural or grazing purposes shall be leased by the Secretary of the Interior?

Mr. STEPHENS of Texas. It is not, and it could not be done, because the Secretary would not permit it.

Mr. FITZGERALD. Will the gentleman yield for a question?

Mr. STEPHENS of Texas. Yes.

Mr. FITZGERALD. The gentleman states that this bill does not apply to the lands of the Five Civilized Tribes?

Mr. STEPHENS of Texas. It does not.

Mr. FITZGERALD. There is no such exception in the bill.

Mr. STEPHENS of Texas. There is, in the very last sentence, which reads as follows, viz:

Provided, That the provisions of this bill shall not apply to the Five Civilized Tribes.

Mr. SULZER. Just a question: Has this bill the approval of the Secretary of the Interior?

Mr. STEPHENS of Texas. It was drawn by the Secretary of the Interior (with the exception of the amendment limiting it to twenty-five years) in lieu of H. R. 121, introduced by me and copied in the report. I prefer my bill, but find it is impossible to pass it, and I am forced to accept this bill as the best I can get.

Mr. SULZER. And is it also satisfactory to the Indians?

Mr. STEPHENS of Texas. Certainly.

Mr. SULZER. Then it is satisfactory to me.

Mr. HAMILTON of Michigan. If the surface is occupied for the purposes of agriculture, and entry should be made for the purpose of development of mineral resources, is there any regulation as to adjustment in regard to the land occupied for the purposes of agriculture?

Mr. STEPHENS of Texas. The Secretary of the Interior has control of agricultural lands belonging to Indian tribes or individual Indians under such regulations as he may prescribe.

Mr. FITZGERALD. The lands are divided into agricultural and timber lands, so that mineral lands would not be considered agricultural lands at all?

Mr. REEDER. Did I understand the gentleman that under the general law as to the leasing of agricultural lands they may be leased for five years?

Mr. STEPHENS of Texas. In the Indian Territory the Five Civilized Tribes have the right to lease for five years. Outside of that they have not. And other Indian lands are leased for agricultural purposes under rules and regulations made by the Secretary.

Mr. REEDER. My understanding of the laws of the Five Civilized Tribes was that they may only lease their lands for one year.

Mr. STEPHENS of Texas. By legislation they have changed that very recently, I understand.

Mr. REEDER. Yes.

Mr. FULTON. To what part of Oklahoma does this bill apply?

Mr. STEPHENS of Texas. It does not affect the Five Civilized Tribes at all. It is the other Indians of the United States. It has no application to the Five Civilized Tribes, but would apply to any Indians outside of the Five Civilized Tribes.

Mr. FULTON. Does it affect all the Indians of the United States outside of the Five Civilized Tribes?

Mr. STEPHENS of Texas. Yes.

Mr. FULTON. It does not affect particularly the Indians in Oklahoma, then?

Mr. STEPHENS of Texas. No; it makes an exception of the Five Civilized Tribes, but does apply to all other Indians in the United States.

The SPEAKER. Is there objection?

There was no objection.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. STEPHENS of Texas, a motion to reconsider the vote by which the bill was passed was laid on the table.

GOVERNMENT FOR HAWAII.

Mr. HAMILTON of Michigan. Mr. Speaker, I ask unanimous consent for the present consideration of the bill which I send to the Clerk's desk.

The SPEAKER. The gentleman from Michigan asks unanimous consent for the present consideration of the bill, which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 10540) to amend section 73 of the act to provide a government for the Territory of Hawaii.

Be it enacted, etc., That the portion of section 73 of "An act to provide a government for the Territory of Hawaii," approved April 30, 1900, which reads as follows: "And no lease of agricultural land shall be granted, sold, or renewed by the government of the Territory of Hawaii for a longer period than five years until Congress shall otherwise direct," is hereby amended to read as follows: "And no lease of agricultural land shall be granted, sold, or renewed by the government of the Territory of Hawaii for a longer period than twenty years, and in every such case the land, or any part thereof so leased, may at any time during the term of the lease be withdrawn from the operation thereof for homestead or public purposes, in which case the rent reserved shall be reduced in proportion to the value of the part so withdrawn, and every such lease shall contain a provision to that effect."

Also, the following amendment was read:

On page 1, line 12, strike out the word "twenty" and insert the word "fifteen."

Mr. FITZGERALD. Mr. Speaker, I reserve the right to object. I wish to ask the gentleman if the purpose of this bill is to permit the renewal of the leases held by the sugar men for a period of fifteen years?

Mr. HAMILTON of Michigan. The purpose of the bill is to increase the small holdings and to open up the lands to settlement by small holders. As the gentleman knows, now the lands are pretty generally held by large sugar-growing corporations and pineapple plantations. Under the provisions of the organic act leases of agricultural lands were not permitted to be granted, sold, or renewed for more than five years. Now, the gentleman knows from observation of that country that it is quite impossible for a man of limited means to go upon the wild lands or jungle lands and improve them within five years. It is necessary to remove large rocks and jungles, and perhaps make arrangements for irrigation; and it would take five years, and perhaps more, to prepare the land to grow a crop; and in the case of some crops, like rubber, as the gentleman knows, it would be impossible to get crops to produce in less than four or five years. So that the result has been that these lands have been pretty generally taken up and occupied by corporations, and men of small means have not been permitted by reason of these restrictions to enter upon these lands. The purpose of this bill is to broaden this provision and to increase the number of small holdings.

Mr. FITZGERALD. Is there any limitation on the number of acres that can be leased by any individual or corporation fixed in the organic act?

Mr. HAMILTON of Michigan. No; there is, however, under the general law a provision, and perhaps the gentleman may recall it.

Mr. FITZGERALD. I do not recall it.

Mr. HAMILTON of Michigan. For instance, a homestead lease of 8 acres, as provided under section 286 of the homestead laws. The lease shall not cover more than 8 acres of first-class agricultural land, 16 acres of second-class agricultural land, 1 acre of wet land, 30 acres of first-class pastoral land, 60 acres of second-class pastoral land, and 45 acres of pastoral and agricultural land. Now, the gentleman knows the method of survey there. They do not use the rectangular system of survey that we use here. It does not obtain there. The wet lands, the gentleman knows, are used for taro and rice. That term "wet lands" has a legal significance there. The lands above that are used for sugar growing and pineapples, and these are called "first-class agricultural lands and second-class agricultural lands, and so on up," and the gentleman understands about the lands further up.

Mr. FITZGERALD. My recollection is that there were very extensive holdings leased before our occupation. These leases are now beginning to fall in. Will it be possible under this bill for these large corporations to obtain a renewal of their leases for fifteen years?

Mr. HAMILTON of Michigan. I understand not. It is understood to be the purpose and design of the bill to prevent that.

Mr. MANN. I call the attention of the gentleman to this provision of the bill, which I think does away with the objection he has:

And in every such case the land, or any part thereof so leased, may at any time during the term of the lease be withdrawn from the operation thereof for homestead or public purposes.

Mr. CRUMPACKER. What I desire to know is what there is in the bill that prevents or restricts the releasing of these large holdings that are said to be held by corporations for a term of fifteen years?

Mr. MANN. There is nothing in the bill. The bill provides that even if the lease is made for a term of fifteen years they can take it away from the lessee at any time without remuneration for homestead and other public purposes.

Mr. CRUMPACKER. I do not believe much in the policy of the Government keeping the title to land and leasing it, as is done under the present system.

Mr. HAMILTON of Michigan. But under the present system the gentleman will perceive it is quite impossible to develop these lands. Vast areas there are simply jungle and rock.

Mr. MANN. I take it these lands are not of much value without some form of irrigation.

Mr. HAMILTON of Michigan. Absolutely of no value; and not only that, but there are great rocks there, and it requires the expenditure of large sums of money to get them and the jungle off the land.

Mr. CRUMPACKER. Are there considerable portions of the sugar lands leased to tenants?

Mr. HAMILTON of Michigan. Yes, sir; I so understand.

Mr. CRUMPACKER. These are in a high state of development?

Mr. HAMILTON of Michigan. They are highly developed.

Mr. CRUMPACKER. Do I understand that under this law those tenants may secure an additional lease for fifteen years?

Mr. HAMILTON of Michigan. I suppose the tenant might go on and agree to lease a certain amount of the land, but he would earn the rent. It would take him five years to get that land in condition to grow crops.

Mr. FINLEY. How many acres of land can he lease to any one person under the provisions of this bill and the general laws governing the subject?

Mr. HAMILTON of Michigan. That is what I was trying to call attention to. They have a peculiar system out there.

Mr. FINLEY. I understand that, but under this bill——

Mr. HAMILTON of Michigan. This was an amendment to the organic act, which the gentleman may remember went on in the House. I have forgotten who introduced the amendment; possibly the gentleman himself did. Now, there is a general law in regard to homestead leases in Hawaii, and then again there is what is called a "freehold"——

Mr. FINLEY. I am familiar with that.

Mr. HAMILTON of Michigan. This does not change that at all, as I understand.

Mr. FINLEY. Does the gentleman hold that under this bill only a homestead can be leased to any one person?

Mr. HAMILTON of Michigan. I do not think there is any limitation as to the amount of land that can be taken up.

Mr. FINLEY. That is the point. Now, is it not possible under that bill that one person might lease 5,000 acres, in the event that there is that much land there?

Mr. HAMILTON of Michigan. I do not think there is any limitation as to the area of the holdings, but if a person should proceed to lease that amount of land and improve it, subject to the right of the Government to proceed to take that and cut it up into homestead holdings, it would certainly be of great benefit. The law as to the number of acres is not changed in any respect.

Mr. FINLEY. I am familiar with the general law. The gentleman and myself helped to frame the organic law. Now, suppose a thousand acres or more of land was leased to one person and improved. When the time came and somebody wished to take that land or a part of it for homestead purposes, would he not have to compensate the holder of that lease for whatever improvements had been put on the land?

Mr. HAMILTON of Michigan. There is a provision in the bill to that effect.

Mr. FINLEY. I know there is, but I wish to bring it out.

Mr. HAMILTON of Michigan. Yes.

Mr. FINLEY. Now he would have to compensate. Then, would it not be better to permit homesteaders to take up the land in the first instance?

Mr. HAMILTON of Michigan. I did not catch that.

Mr. FINLEY. Would it not be better to permit homesteaders to take up these public lands in the first instance? Is it not true that holdings of real estate by individuals in Hawaii are very limited in acreage, and is not that one of the troubles there?

Mr. HAMILTON of Michigan. Not very limited, because the acreage is considerable. As to second-class land, they may have 16 acres.

Mr. FINLEY. I am speaking of the actual holdings.

Mr. HAMILTON of Michigan. Yes.

Mr. FINLEY. My recollection is that the average holdings of land by the people of Hawaii are very, very small.

Mr. HAMILTON of Michigan. No; I think the gentleman is mistaken. Balancing the small holdings against the large holdings, the average holding would be large. The difficulty in Hawaii is that the lands themselves in their natural state are very difficult to subdue to agricultural purposes. They are covered with immense rocks, the land is arid, and nearly all of it must be irrigated before it can be made productive, except that part of the island of Hawaii on the eastern side, where they have rains, and there they are raising sugar.

Mr. FINLEY. I have some knowledge of that.

Mr. HAMILTON of Michigan. It takes large capital; the rocks have to be removed and the jungle has to be taken off in order to get the land ready for the crops. They have to put on a steam plow to break the land up, and then water must be conducted from a long distance to the land, and the land must have irrigation, so that it is obvious that the land can not be held in large holdings by men of small means.

Mr. FINLEY. Is it not true that there is a very small area of wild land, of uncultivated wild land, in Hawaii?

Mr. HAMILTON of Michigan. There is an immense area of uncultivated, wild land there.

Mr. FINLEY. First-class land and second-class land?

Mr. HAMILTON of Michigan. I think there is of first and second class pastoral land, but not of first and second class agricultural land.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The amendments were agreed to.

The bill was ordered to be engrossed and read a third time; and being engrossed, was read the third time and passed.

On motion of Mr. HAMILTON of Michigan, a motion to reconsider the vote whereby the bill was passed was laid on the table.

EFFICIENCY OF THE PERSONNEL OF THE LIFE-SAVING SERVICE.

Mr. LOVERING. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 17710) to increase the efficiency of the personnel of the Life-Saving Service of the United States.

Mr. MANN. Mr. Speaker, I ask unanimous consent that the Clerk read the amendment, which is the bill.

The SPEAKER. The gentleman from Illinois asks unanimous consent that the Clerk read the proposed amendment. Is there objection?

There was no objection.

The Clerk read as follows:

Be it enacted, etc., That from and after the passage of this act the compensation of district superintendents in the United States Life-Saving Service shall be as follows: For the superintendents of the first, second, fourth, fifth, sixth, seventh, tenth, eleventh, twelfth, and thirteenth districts, $2,200 per annum each; for the superintendents of the third and ninth districts, $2,000 per annum each; for the superintendent of the eighth district, $1,900 per annum. That the pay of keepers of life-saving stations shall be $1,000 per annum each, and that the pay of the No. 1 surfman in each of the crews of the life-saving stations shall be at the rate of $70 per month.

SEC. 2. That every keeper of a life-saving station and every surfman in the Life-Saving Service of the United States shall be entitled to receive one ration per day or, in the discretion of the Secretary of the Treasury, commutation therefor at the rate of 30 cents per ration.

SEC. 3. That section 8 of the act of May 4, 1882, entitled "An act to promote the efficiency of the Life-Saving Service and to encourage the saving of life from shipwreck," is hereby amended to read as follows:

"SEC. 8. That if any keeper or member of a crew of a life-saving station shall hereafter die by reason of perilous service or any wound or injury received or disease contracted in the Life-Saving Service in the line of duty, leaving a widow, or a child or children under 16 years of age, or a dependent mother, such widow and child or children and dependent mother shall be entitled to receive, in equal portions, during a period of two years, under such regulations as the Secretary of the Treasury may prescribe, the same amount, payable quarterly as far as practicable, that the husband or father or son would be entitled to receive as pay if he were alive and continued in the Service: *Provided*, That if the widow shall remarry at any time during the said two years her portion of said amount shall cease to be paid to her from the date of her remarriage, but shall be added to the amount to be paid to the remaining beneficiaries under the provisions of this section, if there be any; and if any child shall arrive at the age of 16 years during the said two years, the portion of such child shall cease to be paid to such child from the date on which such age shall be attained, but shall be added to the amount to be paid to the remaining beneficiaries, if there be any."

SEC. 4. That all acts or parts of acts inconsistent herewith are hereby repealed.

The SPEAKER. Is there objection?

Mr. CLARK of Missouri. Mr. Speaker, reserving the right to object, I would like to hear something about what the bill is.

Mr. LOVERING. Mr. Speaker, the bill is to increase the efficiency of the Life-Saving Service. It is a fact well known by those who live in the vicinity of life-saving stations and know about the work there that the service has become somewhat inefficient, owing to the class of men which they have been compelled to hire. The fact is these men should be experienced men. They are not experienced men now. There are about 2,000 men in the service, 500 of whom are inexperienced men, and to encourage enlistment of the better class of men and to maintain the service it is desirable that they should be offered some better inducement to come in.

Mr. CLARK of Missouri. How much do you propose to raise the wages?

Mr. LOVERING. The wages of the surfmen, which make up a large part of the bill, is to be at the rate of $9 a month, practically, which is equivalent to rations of 30 cents a day.

Mr. CRUMPACKER. That is, the only increase in the bill is to provide for the computation of rations?

Mr. LOVERING. It increases the salary of the superintendents about $200 each, and it increases the salary of the keepers $100 each, and it increases the salary of the first-class surfmen, who are practically lieutenants of the keeper, $100.

Mr. CLARK of Missouri. How much will it cost in all?

Mr. LOVERING. Two hundred and thirty thousand dollars.

Mr. CLARK of Missouri. Is this a unanimous report of the Committee on Interstate and Foreign Commerce?

Mr. LOVERING. Yes.

Mr. CRUMPACKER. The chief expense is the increase of the salary of the officers, is it not?

Mr. LOVERING. Oh, no.

Mr. MANN. The chief expense is in the rations being increased $9 a month.

Mr. CRUMPACKER. The surfmen are poorly paid under existing conditions, and there is no provision for the pensioning of surfmen.

Mr. MANN. They get two years' pay.

Mr. CRUMPACKER. This bill proposes to give a pension to the dependent mothers and children?

Mr. LOVERING. It extends it to the dependent mothers.

Mr. CRUMPACKER. I think the bill is along the right lines.

Mr. MANN. It is a very conservative bill.

Mr. MADDEN. I do not think the bill goes far enough.

Mr. RICHARDSON. Will the gentleman from Massachusetts state what change this makes in section 8?

Mr. LOVERING. Section 8 is existing law. It extends the benefit to the dependent mother. There are about 20 per cent of the men employed in this service who do not have wives, but they do have dependent mothers that prevent them from entering the service, and this takes care of the dependent mothers.

Mr. RICHARDSON. The only addition that is made to section 8 is the including of the dependent mother.

Mr. LOVERING. That is all; that is every word of it.

Mr. KÜSTERMANN. Mr. Speaker, I would like to ask the gentleman a question. I understand that provision is made so that No. 1 surfmen in each of the crews shall receive $70 per month. Does that apply to any of the other surfmen?

Mr. LOVERING. It does not. I will explain that to the gentlemen. The No. 1 surfman is liable to be called upon to take the place of the keeper at any time, and he is required to be of the very highest class of men that we have there. He is frequently and almost always, when occasion requires, promoted to the position of keeper. That man is raised $5 a month only.

Mr. KÜSTERMANN. I understand that the surfmen get $65 per month now.

Mr. LOVERING. Yes.

Mr. KÜSTERMANN. And they serve only eight months in the year.

Mr. LOVERING. They serve on the Pacific coast twelve months in the year. They serve on the Lakes eight months in the year, and they serve on the Atlantic coast ten months in the year.

Mr. MADDEN. Are they paid for the entire year?

Mr. LOVERING. They are paid only for the time they serve.

Mr. KÜSTERMANN. I desire to state that I have introduced a bill to give to the surfmen who work only eight months a year, and who receive only $65 a month, half of their regular

salary during the four months they are not employed, during which time they have very hard work finding employment. I think it would be but fair that they should be thus paid.

Mr. LOVERING. I can only say that I sympathize with the gentleman absolutely.

Mr. SULZER. Mr. Speaker, I only want to say a word. In my opinion, this is one of the most commendable bills which has ever been presented to this House. I know something of the life-savers of our country, and I know their story of self-sacrifice and heroism. It is one of the brightest pages in American history. These men deserve well of the Government. Their heroic deeds on our coasts speak in trumpet tones in their behalf. They are the life-savers of the Republic, and the hardest worked and the bravest and most efficient men in the public service. They should get more pay and more credit for what they do, and I will go as far as any man in the country in their behalf. I am their friend, and I want to help them, in Congress or out of Congress, in any way I can. All honor and all glory to our brave and heroic and noble life-savers. [Applause.] I hope the bill will pass.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. BARTLETT of Georgia rose.

The SPEAKER. Does the gentleman yield?

Mr. LOVERING. Yes.

Mr. BARTLETT of Georgia. Mr. Speaker, I don't know that there will be any opposition to this bill. I do not think there should be any. I myself was at first not inclined to agree to its passage, but after a full hearing and investigation by the committee, of which I am a member; after listening to witnesses, the men who appeared before the Committee on Interstate and Foreign Commerce, relate their services and their trials and their dangers and their saving of human life, and the small compensation they receive, I concluded that instead of extending and increasing the expenditures for the Army and Navy to kill people we could well afford to increase the pay of these men, and that we would spend our money to much better purpose in giving it to these men who in time of peace and at all times devote their energies and lives to the saving of human life from the perils and dangers of the sea. Nor do I believe the provision in this bill which takes care of the man who is injured in the service is in the nature of a civil pension. I think also it is right to extend the benefits of the present law to the dependent mother, for I believe Congress can well afford to extend the present law which provides for the wife and children of the man who has lost his life in the service to the dependent mother. The man who is injured in the public service in the business of saving lives should be provided for; and those who are dependent upon him, the wife, the child, or the mother, should be cared for. I trust the bill will pass. The men in the Service are at present but poorly paid; and this bill does but scant justice to the men in a branch of the public service whose chief duties are to save human lives. And the record of these men as shown to us demonstrate that many of them are heroes indeed. [Applause.]

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The SPEAKER. The question now is on the engrossment and third reading of the bill as amended.

The bill was ordered to be engrossed and read a third time, read the third time, and passed.

On motion of Mr. LOVERING, a motion to reconsider the last vote was laid on the table.

LEAVE TO PRINT.

Mr. LOVERING. Mr. Speaker, I ask unanimous consent that Members have leave to print on the bill just passed for ten legislative days.

The SPEAKER. Is there objection?

There was no objection.

COMPLETING PEDIMENT OF HOUSE WING OF CAPITOL.

Mr. McCALL. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 17983) for completing the pediment of the House wing of the Capitol, which I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That the expenditure of $75,000, or so much thereof as may be necessary, be, and the same is hereby, authorized for the purpose of completing the pediment of the House wing of the Capitol by placing suitable statuary thereon, said expenditure to be made under the direction of the Speaker of the House, the Joint Committee on the Library, and the Architect of the Capitol.

With the following amendments:

Strike out the word "Architect" and insert the word "Superintendent."

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The SPEAKER. The question now is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, read the third time, and passed.

MANUFACTURE, ETC., OF ELECTRIC LIGHT AND POWER IN HAWAII.

Mr. KIMBALL. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 16643) to ratify an act of the legislature of the Territory of Hawaii authorizing the manufacture, distribution, and supply of electric light and power in the district of Lahaina, county of Maui, Territory of Hawaii, which I send to the desk and ask to have read.

The Clerk proceeded to read the bill.

During the reading:

Mr. MANN. Mr. Speaker, I shall object to the consideration of that bill by unanimous consent.

Mr. HAMILTON of Michigan. Will the gentleman withhold his objection to let the gentleman explain the bill? It is an important measure. It has the unanimous support of the committee.

Mr. MANN. I have no objection to that, but I would object after the explanation was given. It is ridiculous to consider it by unanimous consent.

Mr. HAMILTON of Michigan. Possibly the gentleman, out of the abundance of his information, might be able to point out to the gentleman wherein it is unconstitutional.

Mr. MANN. I think anybody in the House could do it.

Mr. HAMILTON of Michigan. I think that is doubtful.

The SPEAKER. Objection is heard.

EXEMPTION OF HOSPITAL SHIPS.

Mr. COUSINS. Mr. Speaker, I ask unanimous consent for the present consideration of the bill S. 4377, which I send to the Clerk's desk.

The SPEAKER. The gentleman from Iowa [Mr. COUSINS] asks unanimous consent for the present consideration of the bill which the Clerk will report.

The Clerk read as follows:

A bill (S. 4377) to carry into effect the international convention of December 21, 1904, relating to the exemption in time of war of hospital ships from dues and taxes on vessels.

Whereas a convention providing for the exemption of hospital ships in time of war from the payment of all dues and taxes imposed for the benefit of the State was signed at The Hague on December 21, 1904, by the plenipotentiaries of the United States of America, Germany, Austria-Hungary, Belgium, China, Korea, Denmark, Spain, Mexico, France, Greece, Italy, Japan, Luxemburg, Montenegro, the Netherlands, Peru, Persia, Portugal, Roumania, Russia, Servia, Siam, and Switzerland; and

Whereas the said convention was duly ratified by the Government of the United States of America by and with the advice and consent of the Senate thereof, and was proclaimed by the President of the United States May 21, 1907: Therefore

Be it enacted, etc., That hospital ships, concerning which the conditions set forth in articles 1, 2, and 3 of the convention concluded at The Hague on July 29, 1899, for the adaptation to maritime warfare of the principles of the Geneva convention of August 22, 1864, are fulfilled, shall, in the ports of the United States and the possessions thereof, be exempted in time of war from all dues and taxes imposed on vessels by the laws of the United States, and from all pilotage charges.

SEC. 2. That the President of the United States shall by proclamation name the hospital ships to which this act shall apply, and shall indicate the time when the exemptions herein provided for shall begin and end.

The SPEAKER. The Chair will state that, as the Chair understands it, this is a Senate bill. The request is to discharge the Committee on Foreign Affairs from further consideration of the bill, with the statement that a similar House bill has been reported and is on the Calendar, and the request is to consider the Senate bill?

Mr. COUSINS. It is to discharge the Committee on Foreign Affairs from further consideration of the bill H. R. 14931, which is identical with this Senate bill, and that the Senate bill be passed.

The SPEAKER. But that bill is on the Calendar and the Senate bill is before the Committee on Foreign Affairs.

Mr. COUSINS. The House bill has been reported unanimously.

The SPEAKER. Yes; but the Senate bill has been referred, as the Chair is informed, to the Committee on Foreign Affairs.

Mr. COUSINS. Precisely.

The SPEAKER. And now the request is to discharge the Committee on Foreign Affairs from the consideration of the Senate bill and consider the same, and that the House bill lie upon the table?

Mr. COUSINS. That is the request.

The SPEAKER. Is there objection?

There was no objection.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. COUSINS a motion to reconsider the vote by which the bill was passed was laid on the table.

PENSION APPROPRIATION BILL.

Mr. KEIFER. Mr. Speaker, I move that the House do now resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the general pension appropriation bill.

The motion was agreed to.

Accordingly, the House resolved itself into Committee of the Whole House on the state of the Union for the further consideration of the pension appropriation bill, with Mr. TOWNSEND in the chair.

Mr. KEIFER. Mr. Chairman, in pursuance of the original agreement, I now yield one hour of time, or so much thereof as he may need, to the gentleman from Ohio [Mr. KENNEDY].

Mr. KENNEDY of Ohio. Mr. Chairman, I congratulate myself upon the opportunity to address the House upon "St. Patrick's Day in the Morning." I presume the honor is accorded me because I so seldom trespass upon the patience of the House by talking from the floor.

Mr. Chairman, I have rarely in my service in this House claimed the privilege of talking upon this floor, and if you will indulge me briefly I wish to express some of the thoughts that have come to me touching the general good.

I feel profoundly the responsibility of being a Member of the Congress of the United States at a time so fraught with tremendous consequence both to our nation and to civilization.

I listened with very great interest to the eloquent panegyric pronounced the other day by the gentleman from New York [Mr. COCKRAN] on the President of the United States and his wonderful message. I concur with him fully in many of the things he said. It is gratifying to hear such unqualified approval of the attitude of this Republican Administration come from the other side of this House.

I can not refrain at this time from expressing my indignation at the criticism that has been heaped upon the President's head by the press and by certain public speakers who have attempted to characterize Roosevelt as the destroyer of prosperity, the cause of the recent financial troubles. It is said that he should have proceeded to work the wonderful revolution and reformation that is already assured in our business and political life in a quieter, gentler way. I read one article that went forward at some length to describe how the gentle and lovable McKinley would have proceeded to have reformed and brought under supervision the pirates that have raided our interstate commerce and levied unjust tribute upon our iron highways of trade and travel between the cities. It is said that he should have called them together and had a conference with them, remonstrated with them, showed them that it was inevitable, that these reforms would have to come, and that they would have seen the wisdom of his advice, and that all this mighty revolution would, under him, have been accomplished without any injury to business.

This could all have been done quietly, it is said, without angering anybody, and that the strenuous President now in the White House with his big stick has frightened business and terrified legitimate interests and is the cause of the panic; and every reactionary statesman in America, every advocate of graft, every defender of the old régime has become a calamity howler predicting disaster to business if we do not abandon the clear line of duty so plainly indicated in his message by this heroic, fearless champion of justice and honesty.

The mere statement of such unreasoning criticism brings a smile of derision to the face of every Member of this House who was a Member of the House when the rate bill was first proposed and while it progressed by slow stages toward its completion.

No one appreciates as does a member of the legislature himself the absolute necessity of the big stick and of the strenuous champion, the dauntless and fearless leader in the inauguration of this wonderful work which our President has commenced.

No one has a more profound admiration nor a deeper feeling of respect for the sainted McKinley than I. He was the most universally beloved and respected of all the citizens, living or dead, of my native State. His fame is the brightest jewel in the crown of the great district whose Representative upon the floor of this House I now have the honor to be. While admirably adapted to do the work that he did, he would have been utterly unable to accomplish what Roosevelt has achieved.

He had his work to do and he did it well. He has established forever and firmly fixed to endure, I trust, the great principle of American protection; but the work of this Administration required a big stick, a big stick that could not have been wielded by his gentle hands. Why, his best endeavors would not have produced even a ripple upon the seething pool of business and political corruption which the eloquent gentleman from New York so graphically described.

It is fresh in the memory of all of us, when the debates in the House were in progress, how many eloquent eulogies were paid to the efficiency of railroad-rate makers; how it was insisted that they had a monopoly of all the intelligence that was capable of fixing a rate upon the railroads, and what pathetic appeals were made to the House not to confiscate the stocks of widows and orphans invested in the railroads by Members of that House, who must have known that the money of widows and orphans was invested in the minority stocks of the roads, while in many instances the entire earnings of the railroads were given away in rebates to the interests which held the majority of the stock. Yet, if I remember aright, every Member of this House, except seven, after that provision had been pending for some time, was compelled by the "big stick" which had been transferred to their constituents at home, to vote for that bill.

The President has not been polite enough. He has been too strenuous. He has dared to speak the words "predatory wealth" and "rich malefactors," and the very utterance of these words has disturbed the trade of this country and brought on a panic. If his critics had lived two thousand years ago, what a storm of indignation they would have expressed when the Christ of Nazareth lashed the money changers indignantly from God's own temple! These money changers were business men, men of great consequence, in old Jerusalem. Doubtless they had concessions from those high in the government and should have been treated with more consideration and courtesy. The record does not disclose whether this conduct on the part of the Saviour produced a panic or not, but it undoubtedly did occasion some disturbance of business. But the world has not much cared.

Neither do the American people care whether the struggle for commercial and industrial liberty—this great, spontaneous movement in the direction of business honesty and fairer competition—caused the panic or not. They have set their faces toward its complete accomplishment.

Did ever the Anglo-Saxon race, when roused in the cause of justice and freedom, pause to count the cost? They will not now. This work must go on. No power on this earth can stop it. The victory is already assured. The organized forces of opposition to the policies of the President are falling into disorder and confusion and will soon be in full retreat. Before the next Presidential election the battle will be substantially over.

The eloquent gentleman from New York [Mr. COCKRAN] advocates the selection for President of a crusader, to use his own words. Yes, he wants a crusader, he says—the peerless leader.

I am reminded of a talk I once had with an old civil war veteran whose service had been with the infantry and he was greatly prejudiced in favor of that branch of the service.

The cavalry—

Said he—

are held away back out of danger while the battle rages, until the lines of the enemy are broken and they are flying from the field. Then the cavalry charge with bugles blowing, sabers flashing, all yelling like—like fury. They throw the enemy into hysterics and wind the whole performance up in a blaze of glory.

The crusade was the most stupendous exhibition of organized foolery recounted in all the annals of history. As a display of enthusiasm, although insanely misdirected, it was sublime.

And in this regard the peerless leader would be indeed a crusader. I congratulate the gentleman from New York on his simile. His candidate is not wholly without experience in the crusading business. It is scarcely eight years since his peerless crusader showed to the world what he could do in that line. You all remember the splendid enthusiasm, the wonderful concerted action of his first crusade. He, followed by over six million of the weak-minded, charged and yelled and crusaded over the country for free silver coined at a ratio of 16 to 1.

The esprit de corps of that crusade was as perfect as was that of the crusade which went in quest of the Holy Sepulcher. Whatever the peerless leader did, they all did. When he charged, they all charged. When he yelled, they yelled. When he shouted for free silver at the ratio of 16 to 1, they said "Sixteen to one!"

For enthusiasm and concert of action that demonstration has never been surpassed. We have in Sacred Writ, however, the story of a like devotion to a single idea, a like concert of multitudinous action on the part of that herd of swine, also possessed of the devil, that went charging and squealing down into the sea and were drowned. Why, my Democratic friends, for enthusiasm and devotion you can never beat that! They were all drowned, every mother's pig of them!

Do the gentlemen think the country would appreciate another exhibition? We all know that the peerless leader, the star performer, is now ready. If we may believe the current press, he is out himself billing the principal cities for the show.

Let us be serious and inquire where in the procession of events we are now. We have been engaged in a tremendous struggle against a commercial feudalism that has grown almost supreme in its imperial power. But look about you. The strongest of its embattled castles have already capitulated. The white flag is flying over many of those strongholds where once they took tribute from our interstate commerce. In their council chambers a mighty change has come. The shipper walks in standing straight up as an American citizen should. He is not to-day cringing and begging for the same rate as the most-favored shipper. He no longer leaves that presence with tears flowing down his face, while some insolent baron says, "Sell out or be ruined." He goes forth with a feeling akin to pity for the anxious men who are there soberly studying the Constitution and the rate bill.

The last authoritative utterance that comes to us from the Standard Oil Company, the strongest and oldest and of all the great corporations the most persistent offender, is an announcement to the public that it is ready to be good. Mr. Archbold, in his speech at the banquet in New York, advocated a national license for corporations, clearly conceding and declaring the legislative power and duty to control great interstate traders. In a former article he said that he favored complete publicity on the part of that company. What more does the public want? Graft, duress, and every form of extortion flees before the blazing light of publicity.

Now, what are we going to do with the Standard Oil Company and kindred organizations? We are nearing a reconstruction period, and everyone who soberly considers the signs of the times knows that the war is over. The President has transferred the big stick from his own mighty grasp to many millions of hands over this country, and has taught them how to use it.

If there is any doubt about this, gentlemen, I would point to Ohio, and there you may see with what relentless zeal that head is clubbed which opposes the President's policies in opposition to the people's will, no difference how that head may be crowned with past honors and dignities. Past service to the public, no matter how great, eloquence and ability universally recognized, can not interpose or save.

Nowhere in this great land of ours can criticism of the President, inspired by hate and spleen, win applause, save in the shadow of the stock exchange in Wall street.

From this time on, no political party can formulate a platform looking toward any recession, any reactionary movement, any going backward. The work of the next Administration will necessarily be a work of business reconstruction, and in determining what shall be done with the Standard Oil Company we should bear in mind that that great organization is one of the most splendidly devised business institutions that the world has ever known, capable of doing enormous good in the future. To destroy it utterly, while it might give amusement and passing delight to a charging crusader, would be an economic crime against society.

At this time it seems to me not inappropriate to glance backward to an almost complete analogy in history, and I trust the American people will be able to profit by the wisdom of their fathers.

Many chapters back in the great epic of civil liberty civil government rose from the ruins of the feudal system after a fierce struggle. When the power of the barons was broken no doubt there were many who advocated their utter destruction, but soberer counsel prevailed and they were not killed. They were spanked well, and when they manifested a disposition to be good they were given place in the new state and became honored and useful pillars in Liberty's reconstructed temple.

Such should now be the treatment accorded the predatory trusts. We must spank them until they consent to be good; formulate and enact such laws as will insure performance on their part.

This will be the work of the next Administration. And it can't be done by the Democrats charging and yelling under the leadership of a crusader. We have reached the time when it is more important to go right than to go fast. There is no danger that more seriously menaces the public good than misdirected zeal.

The President in nearly all of his public utterances has said this:

> It is as important to have a firm hand upon the brake as to wield the whip.

He has iterated and reiterated this warning to the American people until it appears that that marvelous, comprehensive mind must have had a premonition that the Democratic party would get full of enthusiasm and start to crusading again.

There is danger. At any moment Mr. Bryan may promulgate some idea that has got crosswise in his brain and stampede the whole Democratic herd. We must now address ourselves to the enactment of conservative legislation under the constitutional power to regulate commerce, having in view the establishment by law of the doctrine of the "square deal," comprehending absolute freedom of trade in our interstate commerce and the reestablishment of old-fashioned, generous competition among business men.

Having these things in view, the American people would do well to choose for their next President the great, constructive statesman, the profound constitutional lawyer.

He must bring to the public service ability and training for the task of the highest order. It is not an erratic enthusiast, talking of Government possession of railroads, that we need to lead us into untried paths of experiment, but an Executive of judgment and discrimination to advise legislation that will bring the railroads back to first principles, make them again to be public highways, public property under the control of public trustees serving all the people alike. The new legislation, imperatively demanded to make competition fair and restrain certain interstate traders called "trusts," must be formulated by those who at least are able to discriminate between the good and the bad, between the rich corporation which does right and the rich corporation which does wrong. This being admitted, we may eliminate every Democrat from the Presidential problem. For on that side of the House have you not railed against the tobacco trust and the United States Steel Company with equal virulence? With a like fury you would charge on both, because, forsooth, both are rich. The one is a pirate, sandbagging its competitors, driving them to the wall, and ruining them by every species of crime against competition that wicked avarice and cunning have been able to invent. The other has competed fairly and generously with every competitor in the same business. I know whereof I speak. The independent iron and steel works have prospered equally with those of the great corporation.

I know how strenuously you on that side of the House will combat this declaration of mine, that this great company has been fair in its dealings with all others in the iron business. It seems almost a party necessity for you to do so; for have you not in your party platforms declared for the destruction of the trusts, and promised the country to destroy them by administering to them free trade when you should come into power? You all know full well that your specific remedy, your trusticide, will not hurt the tobacco trust, nor the beef trust, nor the Standard Oil Company, nor the sugar trust, nor any of the monopolies, except by impoverishing the whole country and thereby rendering them less prosperous.

It is very, very important, that the next President must be one who will not deem it his duty to be unfriendly to any great corporation merely because it is rich.

Our next President should be a Republican. There are many names of great Republicans eminently qualified for the responsibility before the country. We Republicans are divided in our choice for President, but not divided in our admiration for or appreciation of those great statesmen who are now being loyally supported by their respective States for this great place.

In this spirit of enthusiastic appreciation for the splendid merits of all his rivals, my native State, Ohio, at the recent convention brought forward her favorite son and presented his name proudly to the nation. She unanimously urges him as the logical candidate to carry forward in unbroken sequence the great work of this Administration.

He is a great jurist, deeply learned in the science of the law; an accomplished statesman, knowing the needs of society and the legitimate scope and functions of civil government, and he has shown himself to be a great administrative officer. If he is nominated he will inspire the American people with a confidence that they have rarely ever felt in any candidate. He will carry his native State by the largest majority ever there polled, save only that marvelous vote given to President Roosevelt. He was an able and a just judge, an efficient governor-general of the Philippines, a great War Secretary, and if nominated and elected he will be a patriotic and efficient Chief Magistrate, bringing glory and prestige to the nation as his ancestors brought honor and renown to his native State. [Loud applause.]

Mr. KEIFER. I do not see the gentleman from Mississippi [Mr. BOWERS] present. I would like to have him consume some of his time.

Mr. BURLESON. I will act for the gentleman from Mississippi, and I yield thirty minutes to the gentleman from Kentucky [Mr. OLLIE M. JAMES].

Mr. OLLIE M. JAMES. Mr. Chairman, it is always a delight to hear a Republican speak, but it is quite an anomaly to hear a Republican try to explain a panic. We have heard so often from that side of the House an entirely different character of speech to the one heard to-day. Our friend, the gentleman from Ohio [Mr. KENNEDY], tells us that 6,000,000 weak-minded men followed the standard of Mr. Bryan. I want to say in reply to that, Mr. Chairman, that what Mr. Bryan advocated was a dollar which you said was worth only 50 cents. But as much as you denounced that, the Republican side of the House, from the Committee on Banking and Currency, has brought forward a bill here at this session, by unanimous report, with the exception of one, or perhaps two, Republicans, not to coin that despised and hated dollar worth only 50 cents, as you said, for which weak-minded men fought, as our friend declared, but wanting to foist upon the country a dollar worth only 5 cents in reality, and God Almighty only knows what prospectively it would be worth. It would all depend upon the condition of the market and the price the assets brought. [Applause on the Democratic side.] What must be the character of imbecility upon that side of the House, if we have weak-minded men, I should regret to say. In 1896 we fought for more money to meet the business needs of the country. Then the per capita was only $21. The Republicans said we had enough money. What the country needed, as they declared, was *confidence*, not more money. Yet, Mr. Chairman, with the discoveries of gold and the addition to our currency, we have now the great per capita of $35.60—more than any other country in the civilized world except France—almost an increase of 100 per cent over 1896. Yet the country is in a panic and the cry from all quarters is more money. What would have been the awful plight and wreck of our country and property values if we were at the per capita which you Republicans said was enough and an abundance staggers the imagination.

Soup houses, panics, Democratic adversity wrought upon the country have been the stock arguments heretofore of the Republicans in their speeches to which we have listened. Why, we have listened so often to the siren tones of that eloquent gentleman from Indiana [Mr. LANDIS], the most impassioned and brilliant orator upon that side, as he would shake that white head and tell us of the soup houses and of the idle men and of the reduced wages by reason of Democratic administration, and of how Republicans always brought prosperity. We hear no more a sound from that sweet lute. We hear no more the delightful tones of the gentleman from Pennsylvania [Mr. DALZELL] as he enswoons us when taking us upon a delightful excursion, which he personally conducts every Congress, unfolding to us the delightful panorama of the flaming furnaces and belching smokestacks, the hum and whir of busy machinery, happy men at work and contented with a full dinner pail, singing the sweet song of Republican prosperity. How is it now? No more do you hear him upon that most interesting subject. That nightingale, too, has been silenced. And instead we hear the sad story, which I shall read, a dispatch from his home:

SOUP HOUSE OPENS IN PITTSBURG, WHERE THE CRY OF DISTRESS HAS GROWN STRONGER—15,000 IDLE.

PITTSBURG, PA., *February 8*.—The cry of the unemployed daily grows more distressed in Pittsburg. There are 15,000 men idle, and the specter of the dreaded soup house again makes its appearance. The first soup house will be opened by the Salvation Army Monday morning, and unless there is some radical and prompt change for the better more places of this kind will be in demand before many days have elapsed.

The situation is not really alarming, but it is bad enough. Soup houses have been the dread of the business men and civic leaders, and every effort has been made to avoid them.

The Republican party forced to go into partnership with the Salvation Army to feed the unemployed in soup houses now! [Applause.]

But we heard also the speech about prosperity from our distinguished friend from Illinois [Mr. BOUTELL], when he enraptured us with the delightful strains that Democracy meant panic, that Republicanism meant prosperity. We heard him as he read from Southern newspapers telling about prosperity in Dixie land, and we listened with rapturous delight as he enumerated all the evidences of prosperity of our land. But that harp since then has ceased its strains, and the last time he was seen upon this floor he was reading the Holy Bible and trying to prove that Cæsar was entitled to certain tribute. [Laughter and applause.]

Why, the truth of it is, Mr. Chairman—

The harp that once, through Congress halls,
The soul of prosperity music shed
Now hangs as mute on Congress walls
As if DALZELL, BOUTELL, and LANDIS were dead!

[Great laughter and applause.]

But you have got the soup houses, gentlemen. The burden upon you is to explain it. Two million idle men begging for work, reduced wages for those fortunate enough to have employment—this is the melancholy story of the acme of Republican legislation.

Mr. Chairman, Secretary Taft, upon whose shoulders the mantle of Theodore Roosevelt is to fall, speaking at Columbus, August 16, 1907, used the following language:

A graduated income tax would also have a tendency to reduce the motive for the accumulation of enormous wealth, but the Supreme Court has held an income tax not to be a valid exercise of power by the Federal Government. The objection to it from a practical standpoint is its inquisitorial character and the premium it puts on perjury. In times of great national need, however, an income tax would be of great assistance in furnishing means to carry on the Government and it is not *free from doubt how the Supreme Court, with changed membership*, would view a new income tax law under such conditions. The court was nearly evenly divided in the last case, and during the civil war great sums were collected without judicial interference, and as it was then supposed within the Federal power.

This is an unusual announcement coming from such a profound source. Admitting, as he does, the equity and fairness of an income tax, he announces the strange and unusual doctrine that the fortunes of thousands of millions of this country and of the great corporations of this land, aggregating many billions of money, must escape taxation until some great national need is upon the land, permitted, as they are now, to place a sickle into harvests they have not tended, to gather from fields they have not tilled, rolling in opulence and luxury, that the taxgatherer must not visit them, but instead, he must frequent the cottage and the cabin and gather from the great plain people the revenue for the Government. This is a remarkable argument, sir, in view of the fact that these fortunes have grown with such rapidity and to such an abnormal size that they are called by the President himself swollen fortunes, though, perhaps, he might have more appropriately said stolen fortunes. [Applause.]

By what character of argument can he undertake to exonerate these men from aiding in some degree in bearing the burdens of government, which offers them such fertile fields for remuneration? But even in this the Secretary exposes a startling lack of knowledge of the history of the party whose standard he desires to bear. His party had an opportunity in time of great national need to place this income-tax law upon the statute books. In 1898 when this country was engaged in war with a foreign power, this opportunity was afforded his party. The Democrats in that Congress offered as an amendment to the war revenue bill an income-tax law that made the mighty fortunes of this land bear some part of the burdens of the Government. The poor man was then not only paying the taxes, giving freely of his treasure, but he was offering up his life upon the field of contest that others might enjoy the same liberty that his forefathers wrung from the army of Cornwallis. [Applause.] On April 29, 1898, the Democratic party in the House, by the minority leader [Mr. BAILEY], offered an income-tax bill, but the Republican party, true to its record, when the Democrats were trying to lay upon these men's accumulation of wealth an income tax, asking that out of their abundance they should give a pittance, the millionaires of the country cried out to the Republican party, those who had contributed thousands to prostitute the electorate and purchase the election, to remember their Creator in the days of their power that their time in office might be long, and with absolute unanimity they voted this measure down. [Applause and laughter on the Democratic side.] And what will the country say, the millions of American voters, when their attention is called to the fact that the probable nominee of the Republican party announces that they might do in the future what they have failed to do in the past? One of the causes of the war with Great Britain, when the colonies were marshaling their forces in armed conflict, was taxation without representation. The very converse of this proposition is true in America to-day. These men who hold these great fortunes, these great corporations whose wealth mounts into the millions, have representation, great representation, powerful representation, without taxation, and one is as unjust as the other. [Applause on the Democratic side.] Mr. Chairman, in the Fifty-eighth Congress, when speaking on this subject, I used the following language:

I say, Mr. Chairman, that we are glad to welcome the President to the Democratic platform. Many good planks are in it, and as he is now securely fixed in the Presidential chair for the term for which he was elected, no more to be a candidate, as he himself has declared, let him become the tribune of the poor, let him wield the righteous sword of the common people. I look forward to the time when he will send a message to Congress saying that he wants this House to reform the tariff and put all trust-made articles on the free list; that he will go further and say that all articles manufactured in this country that are protected by a tariff and sold to foreigners cheaper than to citizens of this country shall be placed upon the free list; that he will ask us to effectually destroy the trusts by denying them the right of interstate commerce, and saying that when the fact is ascertained in any court of competent jurisdiction that an article is trustized it shall not be sold outside of the State of its production; and that he will ask us to deny them the use of the United States mails; that he will take a fearless stand for the suppression of private monopolies.

All these planks are in the Democratic platform. We are willing to follow him along these lines. Let him send a message to this House saying that we ought to go back to the pristine days when the im-

mense fortunes of this country did not escape taxation, when the tax-gatherer visited the palaces of the rich as well as the hovels and cottages of the poor, and let him ask us to rehabilitate the income-tax law and place it upon the statute book, and see if the Supreme Court, with its change of personnel, has not changed its position upon this most equitable of all ways to defray the burdens of government. [Applause on the Democratic side.]

I indulged the hope here on February 8, 1905, that the President of the United States would send a message to the Congress asking for the rehabilitation of the income-tax law. I am gratified beyond measure to see that three years after that time the President did send to Congress a message asking us to pass an income-tax law and place it upon the statute books. But what answer has his party made to this request? You will look in vain to see any legislation of this character attempted by the Republicans, and what shall the country say of the Republican party, which, in power for eleven years in every department of the Government, has placed upon the bended backs of the toiling millions of this land the revenue burdens which they have borne, and are just waking up at the eleventh hour *to find out* that the Democratic party has been right on the question of the income tax. [Applause on the Democratic side.] Eleven years finds Mr. Roosevelt proclaiming and Mr. Taft asserting that the income tax is just, and yet these same gentlemen belong to a party, and doubtless indulged in it themselves, which denounced Mr. Bryan as an anarchist and a malefactor against his Government because he proclaimed a decade ago the righteousness of such a law and that it should be placed upon the statute books.

Mr. Chairman, the conduct of the Republican party of governmental affairs for twelve years demonstrates beyond controversy, to my mind, one thing, and that is if the word "hypocrite" should be lost to the English tongue, the word "Republican" would stand for it still. We have seen them change position upon every public question until the shuttlecock, in comparison, could not be mentioned in the same day. [Laughter and applause on the Democratic side.] One year they are standing pat on a tariff that is the acme of human production; the next year they are promising a reduction of it. They used to tell us that the tariff was not a tax paid by the consumer. Then, when driven from that position by the obvious proof that the monopoly or trust protected added the price of the tariff and made the consumer pay it, they announced the doctrine that it was only the difference in wages paid laborers in different countries as compared with Americans. For seven long years Theodore Roosevelt has been President of the United States. This tariff has needed reforming and with all his vaunted courage, he has not yet summoned himself up to that notch where he has challenged the aggregate monopolies of the country to a contest with the American people in favor of the destruction of their monopolies. But here, on the eve of a national campaign, we are told not only by this distinguished gentleman, but by his protégé, that the tariff will be revised after the election. Why not revise it now? Why have you waited all these years, with absolute control of the Government, to change this tariff law, which you now admit has produced the great monopolies of this country? Why wait until after the election? Is it because you are afraid for the American people to pass upon your conduct, or is it because you fear the trusts if you revise it in the interests of the people. [Applause on the Democratic side.]

Indeed, is it not because you fear the wrath of the people if the revision is not along lines favorable to them, and the tightening of the purse strings of the great trusts and monopolies if the revision of the tariff is not favorable to them? Article 460 of this Dingley tariff law which I hold in my hand places a tariff of 20 per cent ad valorem upon harvesters, reapers, cultivators, and thrashing machines, and these things which are used by the farmers to till the earth and woo from the soil the substance which feeds the world. You place a tariff tax upon them of 20 per cent ad valorem, but in your charity to the American farmer you put on the free list article 466, acorns, dried or undried, but not unground. [Laughter and applause on the Democratic side.] And again, the equity of this great production, upon which the Republican party has been standing pat, this model tariff law, places hats, bonnets, hoods, men, women, and children's clothing upon the taxed list of $2 per hundred and 20 per cent ad valorem. But to show your great kindness and charity to the American people (art. 596) you place leeches upon the free list. [Laughter and applause on the Democratic side.] Mr. Speaker, if there is a country in the world in which there are blood suckers and leeches, it certainly is the United States, and if there is any one thing upon which I would favor a prohibitive tariff as high as heaven, it would be on leeches. [Laughter and applause on the Democratic side.] But the magnanimity of the Republican tariff offers them to the American people without taxation. You place a tax of 6 cents a pound on tobacco that enables the trust to control the market and fix the price not only to the producer, but to the consumer as well. In article 684, out of the abundance of an overflowing heart, you put tobacco stems on the free list.

Mr. Chairman, I imagine I can hear a conversation that goes on in the rooms of the Ways and Means Committee between the chairman of the committee, the gentleman from New York [Mr. PAYNE], and the gentleman from Pennsylvania [Mr. DALZELL], when they were considering this Dingley tariff law, when the latter said to the former: "Well, we put clothing on the taxed list, we put farming implements on the taxed list, we put kitchen utensils on the taxed list, now what shall we put on the free list? The people have got to have something; they are getting pretty hot."

I can hear the gentleman from New York as his great heart wells up in his reply: "You say the people are getting pretty hot?"

"Yes," says Mr. DALZELL, "they are." "Well, let us put ice on the free list then." And this is what they did. [Prolonged laughter and applause on the Democratic side.] Article 578 places ice on the free list. Mr. Speaker, you absolutely do allow English ice to be imported into this country without taxation. I had always thought up to this time that notwithstanding the country had fallen upon evil days and many burdens had been visited upon it, such as the continued rule of the Republican party, that the Lord still loved us enough to send the winter to freeze our lakes, our ponds, and our rivers, that we might have ice without importing it. But the Republican party is wise; it peers far into the future, and if they knew they were given unbridled control of the Government for twelve years the monopolies and trusts would make it so infernally hot that water would not freeze, and, therefore, they put ice on the free list. In fact, sir, after putting every article in daily use in the homes of the land on the taxed side of the tariff law the Republican party turned and gave, in its great and unusual charity to the American people, one other thing. Article 623 places nux vomica on the free list. I presume that this was done because they knew that after the voters of the country had swallowed the Republican party and its principles, nux vomica would be very much needed. [Laughter and applause on the Democratic side.]

Mr. KEIFER. Mr. Chairman, if the gentleman will allow me, I would like to suggest——

Mr. OLLIE M. JAMES. Oh, I yield only for a question; my time is limited.

Mr. KEIFER. I wanted to ask the gentleman if he remembered that in previous tariff bills we had peanuts voted for unanimously on the Democratic side in the way of a high protective tariff, and also sumac, that grows in the poor hills in the region of Lynchburg, Va.

Mr. OLLIE M. JAMES. I suppose we voted for peanuts because we knew that if you Republicans continued in power, the people would be devilish lucky if they could get hold of anything at all. [Laughter on the Democratic side.]

Mr. KEIFER. And the Democratic party wanted to protect peanuts against the roasted peanuts of Spain.

Mr. OLLIE M. JAMES. Oh, I will be glad to discuss peanuts with the gentleman some other time. [Laughter.] But I want to call attention to some other things. Now when you come to reform this tariff, and my friend has talked about the Standard Oil, there are some things here on the free list that you ought to allow to remain sacred. This is a great production, this tariff bill, and I do not wonder that the distinguished leaders on that side halt considerably when we talk about revising it. Your charity, my friends, to the American people has been so great that in their interest and on their behalf I protest against your undertaking to reform this tariff; that is, unless you allow to remain sacred forever this free list. Think of it! Here is article 588, old junk. That is also placed on the free list. [Laughter on the Democratic side.]

Every farmer in the country and every laboring man that gets old junk can thank God there is no tariff tax upon that—that you have placed that on the free list. I do not wonder, as I said, Mr. Chairman, that this tariff bill is not to be touched; but I want to call your attention to the position of the Republican party when legislation of some real value is offered to the American people. You had an opportunity to vote upon different questions, and your record has been written. You can not change it. I know that you are trying to imitate Bryan, and I wish you would only do more of it, but your record has been written, and it is written in the CONGRESSIONAL RECORD of this country. Here was an amendment offered—you talk about trusts—here was an amendment

offered to you on June 2, 1900. This amendment was offered by Mr. Terry of Arkansas on behalf of the Democrats:

Whenever the President of the United States shall be satisfied that the price of any commodity or article of merchandise has been enhanced in consequence of any monopoly, as defined in this act, he shall issue his proclamation suspending the collection of all customs duties or import taxes on like articles of merchandise or commodities brought from foreign countries. Such suspension shall continue as long as such enhancement in price of such commodity or article of merchandise exists and until revoked by the President.

How did our Republican friends vote then? You talk about the Standard Oil! To-day the President of the United States, whom you elected—we did not put him in power—if that amendment had passed, would have the power, if he believed that were a monopoly, as he must believe, to take the tariff off of oil and let oil come in free. [Applause on the Democratic side.] He would have not only that power, but he would have the power to take the tariff off of steel, if he believed there was a steel trust controlling the price of that commodity. But when you had an opportunity to vote on these questions the Republican party looked to the trusts and the trusts looked to the Republican party, and when the Democratic party was about to lay the ax to the very root of monopoly, which would destroy it, the trusts cried out to you for protection, and the cry was not in vain. [Applause on the Democratic side.] Mr. Chairman, that the tariff is used as a fomenter and protector of trusts no man conversant with the history of this country can deny. Statistics show that there are more than two hundred trusts in this country that are made possible by the tariff. Who can give any just reason why the tariff should be allowed to protect a trust or monopoly which is so mercenary, so forgetful of the people in this Government which offers to them its protection? They manufacture goods here and send them across the ocean, pay the freight, and sell them to foreigners in an unprotected market and charge less than they do to our own home people. And yet, if this amendment had been the law, it could have been used as a sword to cut down monopoly, and millions of dollars would have been saved to the people.

Under the Dingley law, section 3, you provide that the President shall have the power, by proclamation, to impose a tariff upon coffee, tea, and vanilla beans when he becomes convinced that any articles of our manufacture are dealt with unreasonably. You were quite willing to give the chance and right to the President to raise the tariff when some manufacturer was being discriminated against by foreign countries, but you were unwilling to give the American consumers, the millions of our countrymen who have made this country great, the benefit of such a law in their interests when manufacturers in their own country had monopolized against them and were discriminating against them in favor of the foreign consumer. [Applause on the Democratic side.] It is not necessary, Mr. Chairman, to be sending long-drawn-out messages in pyrotechnic display before the country inveighing against dishonest methods—dishonesty in high places. With these I most cordially agree, yet the President, with a message of a dozen lines, could strike a blow for the American people that would be more effectual than a train load of such messages, if he will ask Congress to place upon the free list all articles that are manufactured or controlled by trusts in the United States. Why, only in this Congress, Mr. Chairman, when an amendment was offered by the gentleman from Nebraska [Mr. HITCHCOCK] providing that the agents of the United States in foreign countries should ascertain and obtain proof as to whether or not manufacturers in the United States were selling goods in foreign markets cheaper than at home the Republican party voted down the amendment and sustained the Speaker in ruling it out of order. We saw this illustrated in the Fifty-eighth Congress, when the Republicans voted to a man in favor of giving the armor-plate manufacturers a monopoly in armor plate for our Navy. An amendment was offered providing that not more than $398 per ton should be paid for armor plate.

The proof was incontrovertible that this profit was enormous and outrageous, and yet our Republican friends on the other side voted it down, and an amendment was offered providing that in case they were unable to purchase armor plate at these places the United States should manufacture it itself. That a monopoly existed in the manufacture of armor plate, there is no controversy, but the Republicans lined up in favor of the monopoly and voted down the amendment. When San Francisco had been wrecked by the great earthquake, when the hearts of the American people bled for these stricken people, when homes and fortunes of lifetime accumulation had been swept away, when Representatives on this floor opened the doors of the Treasury to provide for them, when alien people in distant lands gave of their substance to these people, a bill was introduced providing that those articles upon which a tariff appeared which would be needed in rebuilding this stricken city should be permitted to come into the country free of duty; but the Republican party was again to the rescue and voted it down. They were willing to take the people's money that had been gathered by taxation and give it to this city and these people, but the onslaught of monopoly and the iron hand of greed could not be loosened from the throat of this prostrate city. And so it was with Baltimore when that city was swept by flames, the glare of which could be seen from this Capitol, monopoly was permitted by the Republican party to feed upon these people in rebuilding that city.

We saw another evidence of the Republican party's friendship for the trusts when, on June 16, 1906, Mr. Sullivan, a Democrat from Massachusetts, offered the following amendment:

Provided, That no part of this provision shall be expended for material and supplies which are manufactured or produced in the United States, unless said articles are sold to the Isthmian Canal Commission at export prices, whenever such export prices are lower than the prices charged the consumer in the United States.

This was to deny the monopolies of the country the right to rob the Government in building the great Panama Canal. Yet, our Republican friends all rallied to the support of their Speaker, when he declared it out of order, and, on appeal by the Democrats, the Republicans voted to sustain him, and by that to allow the monopolies in this country to rob the Government in the sale of supplies in the building of this canal by charging more for them than they sell the same supplies to foreign purchasers for. Another evidence of the partnership that exists between the Republican party and the trusts was shown with striking force when the Democrats, on June 2, 1900, offered an amendment denying to any corporation, association, or joint stock company, operating or doing business in any State of the United States, the right of interstate commerce when it was organized and carried on for the purpose of controlling the manufacture or sale of any article of commerce; but our Republican friends again rallied to the support of the monopolies and voted this down. Another amendment was offered by the Democratic side denying to trusts and monopolies the use of the United States mails in aid or furtherance of their business or purpose to monopolize either the production or sale of any article of commerce, and the Republican party was again to the rescue of the trusts and voted this amendment down. So it is, Mr. Chairman. The whole history of the two political parties shows the Democratic side battling for the people against monopolies and the Republican party battling with monopolies against the people.

Why, Mr. Chairman, I heard the distinguished gentleman from Michigan [Mr. TOWNSEND], the other day, trying to prove that railroad rate legislation was a Republican doctrine. How did he prove it? By the declaration of his party platform? No. For in 1896 it was silent; in 1900 it was silent; in 1904 it was silent. That was a burning question then. A party is known by the principle it declares in its national convention and not by a bill introduced by some man here and yonder. But what are the real facts? The Democratic platform in 1896 demanded railroad rate regulation. As a crusader, it certainly brought forth good fruit. I care not who it was that took up this proposition so long as he fought along Democratic lines. The Republican party had the hearty support of the railroads in 1896 and 1900. I remember they had parades in Kentucky. They forced their men into them. They poured money from their treasury into the Republican fund to corrupt the voters. What was the result? They bought up the election for the Republican party. You came into power, and what did you do? Having been educated by the Democratic party, educated by Bryan, you heard the roar of discontent throughout the country by reason of discriminations and wrongs wrought upon the people of this country by the common carriers. You brought out the Townsend-Esch bill. What sort of a bill was that? Did it have the penitentiary penalty? It did not. I made a speech calling attention to this failure in the law and saying the only way to regulate the railroads was by providing a penitentiary penalty. The Hepburn bill came to this House without any such penalty. From my place upon this floor I offered an amendment providing for a penitentiary penalty, which Secretary Taft says is the only thing that vitalizes and makes powerful this law. How did you gentlemen vote? Every Republican upon that side of the House voted no. You wanted to fine them. You wanted the railroads to be speculating on the question as to whether they could steal more from the people than they could be fined by the courts. [Applause on the Democratic side.] I read from Secretary Taft's speech at Columbus, Ohio, of August 19, 1907. He says:

It is well understood that the Elkins bill was passed without opposition by, and with free consent of, the railroads, and that the chief reason for this was the elimination of the penitentiary penalty for

unjust discriminations. The abolition of imprisonment as a possible penalty was unfortunate. Experience has shown that a mere fine is generally not enough to deter a corporation from violation of the law, because it then becomes a matter of mere business speculation. The imprisonment of two or three prominent officers of a railway company or a trust engaged in giving or receiving secret rebates, would have a greater deterrent for the future than millions in fine.

By this utterance Secretary Taft shows that the imprisonment penalty is all that vitalizes and makes powerful or effective the railroad rate law. Yet he does not give the credit to the Democratic party. The Republican party voted down the amendment which I offered providing for this imprisonment penalty, and when the bill went to the Senate, Senator Stone, a Democrat, offered the amendment providing for the penitentiary penalty, and it was incorporated into the law. So, it was not the Republicans, but the Democrats, who made this fight in the interests of the people. [Applause on the Democratic side.]

What an indictment against the Republican party in Congress made by a man in whose hands you want to place your standard, saying the Republican party in the Congress of the United States brought forward a bill here to do what? Give the railroads immunity from punishment with the full consent and the approval of the railroad companies. [Applause on the Democratic side.]

Mr. Chairman, the Democratic party has announced to the country a new mode of warfare. It is—the people shall command and the leaders must obey. They have a leader; his name is upon every tongue; it is gravened on the heart of every Democrat. He has convictions and the courage to express them. He has stood for something, he has sown the good seed, and has raised in front of an army of the most merciless vultures the world ever saw the commandment "Thou shalt not steal." He is the one indeed who has never prostituted his giant intellect for money and never sold the love the American people bear him for corporation gold. [Applause on the Democratic side.] He cut the way through the wilderness of greed and was the pioneer. It's great to be a pioneer, Mr. Chairman; his path is always red with blood and wet with tears, but his name lives. The people of this Republic, at the coming election, are going to reward him, and the hand that will bear the Democratic standard is the same one that wielded the first sword in defense of the American people against organized greed. They only wait, sir, with restless anxiety the opportunity to elect that grand, that splendid, that matchless Democrat, William J. Bryan, President of the United States. [Prolonged applause on the Democratic side.]

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. DALZELL having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PARKINSON, one of its secretaries, announced that the Senate had passed without amendment bill of the following title:

H. R. 17311. An act to authorize the Pensacola, Mobile and New Orleans Railway Company, a corporation existing under the laws of the State of Alabama, to construct a bridge over and across the Mobile River and its navigable channels on a line approximately east of the north boundary line of the city of Mobile, Ala.

The message also announced that the Senate had disagreed to the amendments of the House of Representatives to the bill (S. 4112) to amend an act entitled "An act to provide for the reorganization of the consular service of the United States," approved April 5, 1906, had asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. LODGE, Mr. CULLOM, and Mr. BACON as the conferees on the part of the Senate.

The message also announced that the Senate had disagreed to the amendments of the House of Representatives to the bill (S. 1424) to increase the efficiency of the Medical Department of the United States Army, had asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. WARREN, Mr. SCOTT, and Mr. TALIAFERRO as the conferees on the part of the Senate.

The message also announced that the Senate had passed the following resolution, in which the concurrence of the House of Representatives was requested:

Senate concurrent resolution 46.

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, authorized and directed to cause to be made an examination and survey of Galveston Harbor as a whole, including Galveston Harbor, Galveston channel, Texas City channel, and Fort Bolivar channel, in the State of Texas, for the purpose of establishing a broad, comprehensive, and systematic plan for the future extension, enlargement, and deepening of said harbor so as to meet the growing needs of commerce, and to estimate the probable cost thereof.

PENSION APPROPRIATION BILL.

The committee resumed its session.

Mr. KEIFER. Mr. Chairman, I now yield to the gentleman from Illinois [Mr. PRINCE] one hour's time, or such part thereof as he desires to take. [Applause on the Republican side.]

Mr. PRINCE. Mr. Chairman, I am in favor of the pending measure. When the time comes to vote for it my vote will be found in favor of it.

I desire, however, this afternoon to speak upon another question that is not the question under discussion at this time. I desire to call the attention of the committee and of the country to the currency question. Prior to the civil war the stock of money and currency in this country was of two kinds—specie, which was the money, and State bank notes, which was the currency of the country. About one-half of the stock of currency and money in the country prior to the civil war consisted of State bank notes. The amount of circulation per capita at that time was a trifle over $13—I think, in exact figures, $13.65 per head. As I have said, a part of this currency was what we now call a credit or asset currency. In that portion of the State banks that issued currency based upon bonds many of the notes were never redeemed. That portion of the State banks that issued their notes upon the commercial credit of the country, that made a provision to redeem their notes over their own counters in gold, or made provision to redeem their notes at some redemption agency, never failed to make good their notes.

The war came, and we were compelled from necessity to adopt a different form, so far as our money and our currency were concerned. The Government, in the stress of war, issued demand notes, It issued United States notes, commonly known as "greenbacks." It later authorized the national banking system, and national-bank notes were issued and became a part of the stock of the money and currency of this country. In 1864, the period when the greenback ideas were most prevalent, when the greatest amount of United States notes were in circulation, we had then a per capita circulation of a trifle over $19 a head, and part of these notes were almost worthless. It took $2.85 of those United States notes to equal one dollar in gold. During that period specie payment was suspended. Only $25,000,000 of specie was in circulation, and that was upon the Pacific coast. The balance of our money and currency was of the kind of which I have spoken.

On March 2, 1908, the stock of money and currency in the United States consisted of gold coin $1,635,848,474. Almost one-half of our money and currency on the 2d day of March, 1908, was of gold coin or bullion, every dollar of which was worth 100 cents here or anywhere else in the world.

Our gold increased from January 1, 1879, up to March 2, 1908, seventeenfold. Our standard silver dollars to-day are $562,930,982. These silver dollars are worth 50 cents, intrinsically speaking; the other 50 cents is maintained by the faith and credit of the Republic. Likewise the subsidiary silver of $143,000,000. There is in circulation a trifle over $5,000,000 of Treasury notes of 1890, based upon the faith and credit of the country. There is in the stock of money and currency $346,000,000 of United States notes worth intrinsically not a farthing, but based upon the credit and faith of the Government and maintained at a parity by $150,000,000 of gold, making these notes worth 50 cents on the dollar and the other 50 cents based upon the faith and credit of the country, because there stands in the reserve funds of the United States $150,000,000 to maintain $346,000,000 of United States notes.

Then we come to national-bank notes. On March 2, 1908, there were $695,674,519 of national-bank notes, intrinsically not worth a farthing, based on the promise to pay of the United States, based upon the bonds, and the bonds are based upon the faith and credit of the United States.

We find that almost half of our stock of money and currency is asset currency, based upon the faith and credit of the United States, and has no intrinsic value. So far as the national-bank notes are concerned, they are about one and a half times or twice the amount they were in 1879. So that, to epitomize it, we have multiplied our gold, actual money, seventeen times since January 1, 1879. We have twice as much national-bank notes in circulation as we had in 1879.

We are confronted to-day with this question: As to how we can increase the stock of money and currency in the United States. It comes in from two sources. The one is through an increase of the specie, gold and subsidiary silver; the other is from an increase in the national-bank notes. There is no other way by which our stock of money and currency can be increased except in these two ways. Have we increased it, and, if so, how much? Turning to the records, I find that between August 1, 1907, and March 2, 1908, we added gold to our stock of money to the

amount of $169,679,736; subsidiary silver, a trifle over $13,000,000; national-bank notes, $92,000,000; total, $267,000,000.

There are now pending in different branches of the Congress measures seeking to enlarge this country's currency, not money—mark the distinction—the currency of the country, not its money, to the extent of about $500,000,000. I find that from August 1, 1907, to March 2, 1908, we have increased our stock of money and currency more than half of what we are seeking to increase it by measures pending in the different branches of Congress, of which more than half of it is actual money; the other proposed increase is nothing more nor less than currency based upon the faith and credit of the country.

On August 1, 1907, I find from a statement of the Secretary of the Treasury that the national-bank depositories held Government money to the extent of $145,000,000. On January 1, 1908, these same banks held Government money to the extent of $245,000,000. So that between the 1st of August, prior to the beginning of the supposed panic, up to January 1, 1908, the Secretary of the Treasury of the United States put his hand in the Treasury—the people's Treasury—and drew therefrom $100,000,000 and placed it in the depository banks of this country, for which he received not a penny of interest. I was amazed, gentlemen of the House, when I found that the great State of Illinois, third in population and wealth, holding within its borders the second city on this continent, in point of wealth, commercial influence, and business, had less money deposited in the 395 national banks of the State of Illinois on the 31st day of December, 1907, than the one, single, solitary Standard Oil bank in the city of New York had at that same time. Three hundred and ninety-five banks in Illinois had $13,000,000 of the Government's funds and one bank in the city of New York had over $17,000,000 of the people's money at that same time. I have heard it said that there was at least a semblance of favoritism on the part of somebody somewhere in putting this money into these banks at the expense of the great State of Illinois and the balance of the United States during this critical period from August 1, 1907, to March 1, 1908.

I have looked over every measure pending in the Congress. I have been unable to find a solitary bill which seeks to correct this manifest executive favoritism through the departments of the executive branch of the Government placing money to this extent in the banks at the expense of the balance of the United States. The Fowler bill seeks to correct it. It is the only bill that does correct it, and it is time to correct it now. It is time that this kind of discretion under the law is stopped by this Congress. It is time we should say, "Thus far shalt thou go and no further." And yet we find that one set of banks that might probably be called "system banks" has in the neighborhood of $30,000,000 of the public funds on deposit in those banks.

Mr. HAMILTON of Michigan. Will the gentleman allow me to ask him a question, simply for my own information? Has the gentleman any figures to enable him to state the amount of deposits in national banks, in State banks, in private banks, and in trust companies, say, on the 1st of October last?

Mr. PRINCE. I do not think I have it here at present.

Mr. HAMILTON of Michigan. I was trying to get that information, and I did not know but the gentleman might have it.

Mr. PRINCE. I may have it, but I do not now recall it.

Mr. HARDY. About $18,000,000,000.

Mr. HILL of Connecticut. Has the gentleman given consideration to all phases of the subject of the "equitable distribution" of deposits? Of course the gentleman does not want to be unjust to the Secretary of the Treasury. What is an equitable distribution? Does it mean that you shall take out of the commercial assets or funds of the city of New York, where three-quarters of the duties are paid, a proportionate amount of that money? Does it mean that as fast as the Treasury receives that money it shall distribute it in other parts of the country? Or does "equitably" mean that the money shall be deposited where it is collected or that it is to be deposited regardless of where it is collected, according to population or area or in some other way? I think the gentleman would say that it would be wholly unjust to take the money that is collected in the city of Chicago, for instance, in the way of customs, or in Peoria in internal revenue, and take that money away and distribute it and then compel those persons who are engaged in the transaction of business which requires the use of that money daily to pay for shipping it back again. Has the gentleman taken that into consideration?

Mr. PRINCE. I have meant to show this, that the national banking act, page 58, chapter 11, provides that—

All national banking associations designated for that purpose by the Secretary of the Treasury shall be depositaries of public money, under such regulations as may be prescribed by the Secretary.

There is not a word as to equitable distribution there. That is what I am contending against.

Mr. HILL of Connecticut. There is in the law passed last year.

Mr. PRINCE. Providing for equitable distribution?

Mr. HILL of Connecticut. Yes.

Mr. PRINCE. But he observes it in his own way, as he sees fit.

Mr. HILL of Connecticut. And let me say that there has been a commission appointed by the Treasury Department, under the direction of the Secretary of the Treasury, which has under consideration the question of what is an "equitable" distribution, and what it means.

Mr. PRINCE. Has that commission come to any conclusion yet?

Mr. HILL of Connecticut. I do not think they have made any report as yet, but the construction of those words "equitable distribution" is being considered, as to whether it means equitably in accordance with population or equitably on the basis of where it is collected.

Mr. PRINCE. I understand that, and the Fowler bill——

Mr. HILL of Connecticut. Until a conclusion is reached by that commission it strikes me it is hardly fair to blame the Secretary of the Treasury for depositing the money where it is received.

Mr. PRINCE. Would you stand up and defend the Secretary of the Treasury, or any executive official of any kind, in giving to one bank in the city of New York over $17,000,000 as against the whole great State of Illinois $13,000,000?

Mr. HILL of Connecticut. That would depend entirely on whether $50,000,000 or $75,000,000 had been collected in the city of New York from internal revenue and customs during the preceding week and a very much less amount had been collected in the State of Illinois, and it would also depend on another feature of the case, and that is whether the Illinois banks were ready to put up the bonds to take the deposits.

Now, the gentleman can take for an example the city of Peoria, which has an extremely large internal-revenue collection. I think it would be found almost impossible for the Peoria banks to secure bonds enough to put up security for all of the deposits of the internal-revenue payments in that city. All of these things must be taken into consideration by the Secretary, and the Secretary has gone to work since the passage of the law of last year and appointed a commission. They have been considering it, and the Comptroller of the Currency, coming from Illinois, is a member of that commission which is to determine what is a proper construction of that word "equitable," and I think the Secretary of the Treasury is entitled to immunity from criticism until that committee reports.

Mr. PRINCE. That might be so if House Document No. 714 did not disclose that in the city of New York on the 31st of December, 1907, there were $87,189,132.87 of the Government money in the different banks, as against $13,000,000 in Illinois. I commend to the committee a careful reading of Document 714, submitted by the Secretary of the Treasury under date of February 27, 1908, to the House. I think you will find a good deal of valuable information in it. You will find that in the District of Columbia, where no business, practically, is done, where apparently there seems to be no reason for any great amount of money, on December 31, 1907, the banks had $4,804,574.73, and that one bank, not distantly related to some I have referred to had $1,652,000 on hand, where there was no business whatever. If that is an equitable distribution, I think it is time that the Secretary of the Treasury and the commission got busy and made a report.

Mr. HAYES rose.

Mr. PRINCE. Now, I want to say this, and then I will yield to the gentleman. The Fowler bill puts it beyond question. That bill provides that it shall not have and keep on deposit in any one national bank an amount of money greater than 50 per cent of the capital thereof deposited in any national depository, and in that way there would be an equitable distribution, because equity means doing justice by forty-six States in the Union instead of doing a little overjustice to one State and the District of Columbia. [Applause.] Now I will yield to the gentleman from California.

Mr. HAYES. Does not the gentleman think he has done the Secretary of the Treasury an injustice in this—that it has been the policy of all modern Secretaries of the Treasury, at least since I have known anything about the operations of the United States Treasury, to place money where it was most needed during such times and such disturbances as we had from October to January last? I think possibly the gentleman may have lost sight of the fact that New York City was the

place where the greatest need was in the view of the Secretary, and that therefore he sent the largest amount of money to that place.

Mr. PRINCE. Well, let us look at that. That is a very proper suggestion and a question worthy of the consideration of the committee and the country. To the city of New York had gone the money from the different banks throughout the country. It had been sent there for speculative purposes, until there had been piled up in that city about the time of the financial trouble the reserve money of different banks throughout the country. There had been poured into the banks about one hundred millions of Government money. They had a large amount of the reserve money on hand, and there was a call on these institutions to send back into the interior some of the money it needed for current purposes. The truth is that the working balance of the Government at one time was reduced to about two and one-half millions of dollars, and it had been so very generous to others that it was almost in distress itself for means to carry on the business of the country and pay its running expenses. The money was called for, and the banks in New York City refused to send the money, refused to hand back the money that belonged to the people, refused to send it back to the banks that placed it there as a reserve, and refused to send it back to the Government, if the Government saw fit to ask for the money. Instead thereof the banks issued clearing-house certificates and handed these evidences of indebtedness to the people to be used by them as best they could in these times. They held on to the actual cash. What did they do with it?

They either themselves, directly or through their friends, used this actual cash, went into the market and bought the stocks at slaughtered prices. Does anyone deny it? If there is one, let him stand up here. Without a question these banks, holding the money that belonged to others, refusing to give them the money, issuing in place thereof their promise to pay, took the identical money, went out into the street, and bought the stocks at slaughtered prices and made an enormous amount of profit out of it. That was the condition of the country at that time, and in the train of such conduct followed woe, bankruptcy, ruin, suicide, and death, and I do not think the whole train is yet over, so far as the country is concerned.

Mr. GAINES of West Virginia. Do I understand the gentleman to say that the New York banks, when they were refusing to pay to their depositors the money of those depositors on their checks, were using that money to speculate with themselves?

Mr. PRINCE. I have not any doubt of it, sir.

Mr. GAINES of West Virginia. Is that merely a theory, or is it a fact?

Mr. PRINCE. The gentleman will be kind enough——

Mr. GAINES of West Virginia. I only asked the question because it seems to me that it is the duty of the officers who have charge of those things to proceed against any such banks and take away their charter, if such is the fact.

Mr. PRINCE. If the gentleman will be kind enough to look at these documents I have called attention to, he will see the class of securities and the kind of stuff that many of these banks to which I have referred had their money locked up in at that time and were buying; and from newspaper reports I found that when a resolution of inquiry along that line was offered in another body it was promptly sidetracked, because it would open up and show to this country the condition of affairs. That is the reason why I am one of those who believe it would be proper for this House to have a resolution of inquiry along that line.

I am frank to say that, in my judgment, observing the management of these banks, they have been, some of them, mismanaged, and I am frank to say that the Government inspection, through its bank examiners, is practically the same as worthless, because if there had been a genuine, thorough, and honest examination of banking, no such tale of woe, no such tale of mismanagement would have occurred as has just been chronicled in the courts of the city of Chicago, and a man who is aged and bent would not be to-day heading his way toward prison, for by proper investigation and management he would have been stopped. And I want to say further that the bill that I am seeking to advocate within my time is one that puts a stop to all such things as that and, beyond peradventure, saves the country and the banks and the depositors from any such mismanagement as has taken place in this country.

Mr. HAYES. Mr. Chairman, I have no wish to contest the gentleman's statement that many of these banks were mismanaged, or anything of that kind, but along the line of my former suggestion I want to ask if it is not true that in the city of Chicago there was less trouble during the recent so-called "panic" than in any other great city in the United States?

Mr. PRINCE. I think that is true.

Mr. HAYES. And if that be true, was not the Secretary of the Treasury justified in sending less money there than he sent to places where there was greater need, greater trouble?

Mr. PRINCE. No; I do not think so.

Mr. HAYES. I do.

Mr. PRINCE. Because, speaking for my own country, in the city where I live, a city of 25,000 people, our bankers never put a white flag over the banks. They paid all comers and goers, and if other banks had done likewise the country would have been better off, and instead of these clearing-house certificates, which were nothing more nor less than a red flag to the people, a note of distress—which, in my judgment, ought to be assessed a 10 per cent tax, for they were in the nature of notes, and I commend that suggestion to the Department of Justice, that they proceed along that line—I say in that section of the country because the people and the interior banks relieved them largely from that trouble was one of the reasons that Chicago was able to do what she did. But what can be said for poor Kansas City?

Mr. HAUGEN. Is it not a fact that a single dollar could not be gotten in New York without paying a premium, and that the money was carted into Wall street, and it was there for speculation and disposed of at a premium, and if the country banks got any money at all they had to pay a premium?

Mr. PRINCE. I have so understood. I have understood this, that a bank that had some money on deposit in one of those banks, when it called for $100,000 of its own money, was required to pay a premium of $3,000 in order to get it. I have not a doubt of that in my own mind; but if the gentleman were to ask me for proof, perhaps I could not give the specific instance.

Mr. HAUGEN. I have positive knowledge of the fact. I know they charged as much as 4½ per cent premium, and if you were to get the money at all you would have to pay from 3 to 4½ per cent premium. They paid but a small per cent of the amount called for.

Mr. PRINCE. Does the gentleman mean to say that a bank or individual that had money in those banks in calling for his own individual money was required to pay a premium in order to get his own money?

Mr. HAUGEN. Not a premium to the bank. He had to go to the broker, and the supposition is that the broker got the money from the bank.

Mr. MADDEN. Will the gentleman from Illinois allow me to ask the gentleman from Iowa a question?

Mr. PRINCE. Yes.

Mr. MADDEN. Do I understand the gentleman from Iowa [Mr. HAUGEN] to say that he has positive knowledge of specific instances where premiums were collected on moneys that were drawn from banks owned by those wishing to withdraw them?

Mr. HAUGEN. I get my information from reliable parties who have large pay rolls, for instance, and had money deposited in the banks. They demanded their money and were unable to get a single dollar of it. In order to get money and in order to pay their men they had to go and pay a premium on the amount of money they needed.

Mr. MADDEN. The gentleman says that he is making the statement from his knowledge of the situation. I do not believe it is fair to make any such statement as that to the country on hearsay.

Mr. HAUGEN. I have stated that the premium was not paid to the bank. It was paid to the brokers, and that was the only place where money could be obtained.

Mr. MADDEN. Why should a broker be able to get money out of the bank when you could not get it yourself?

Mr. HAUGEN. The broker, of course, gets his money from the bank.

Mr. GRONNA. May I ask the gentleman a question?

Mr. PRINCE. I yield.

Mr. GRONNA. I would like to ask the gentleman from Illinois [Mr. MADDEN] if he had any experience in banking during this crisis and if he had an account with the New York banks and whether he was permitted or not to draw his money?

Mr. MADDEN. I have had experience with banks in all sections of the country, and I want to say to the gentleman that no person could get all the money that he wanted during the crisis to which he now refers. But I know of no case where any person was obliged to pay any commission whatever for any money that he secured from any bank.

Mr. HAUGEN and Mr. KENNEDY of Iowa rose.

Mr. PRINCE. Mr. Chairman, I refuse to yield further.

Mr. HILL of Connecticut. Will the gentleman permit me to ask him a question?

Mr. PRINCE. Inasmuch as I have refused these gentlemen, I could not yield to the gentleman from Connecticut.

Mr. HILL of Connecticut. I do not want the gentleman to bear too hard on the consciences of some of the banks in New York. Some of them did their duty, and are almost entitled to the credit of being heroes during this panic.

Mr. PRINCE. I spoke of one bank, and then the gentleman forced me to go outside, and then I included the amount that was there on deposit. I have not singled out any bank specially, and do not want to do so. In fact, I do not think it is proper for a gentleman who is entitled to the floor to attack anyone outside that has no means of answering upon the floor. I think it is only parliamentary to attack a Member or someone that has a right to the floor, but it would be almost unpardonable, as I take it, on my part to assault anyone who has not the right of the floor, in order to answer me on the floor, and if I have been drawn into that I am going to modify my speech to that extent.

Mr. HILL of Connecticut. May I ask the gentleman to modify it to this extent: To take the document to which he referred a moment ago, and which was lying on the desk in front of him, but which I do not see now, which is the report of the Secretary in regard to the proceedings of the Treasury during the panic, and which shows that at the close of the panic, the banks of New York City, after having taken in $100,000,000 in gold from Europe, and in addition having issued a large amount of circulation, found themselves stripped of all of that and a good deal more, too, because they had sent it out to the country banks. They are entitled to that fair statement, and I ask the gentleman to embody in his remarks the statement taken direct from the report of the Secretary of the Treasury as to just the condition of the New York banks before the panic and the condition they were in afterwards.

Mr. PRINCE. There is no question that they paid some of the money, and it may be along the line as suggested by the gentleman from Iowa [Mr. HAUGEN], that they could get a good round premium when they sent that money out, and quite likely they did, or they would not have done it, perhaps.

Mr. McMILLAN. Will the gentleman yield to a banker to ask him a question?

Mr. PRINCE. Yes; if the gentleman will give me longer time.

Mr. McMILLAN. Does the gentleman know on what basis of value or security a clearing-house certificate is granted?

Mr. PRINCE. Yes. The different banks that enter into the clearing-house district are required to furnish ample security before certificates are issued to them.

Mr. McMILLAN. Does not the gentleman know that that is the best security that is obtainable for a loan?

Mr. PRINCE. There is no doubt about that.

Mr. McMILLAN. Why, then, would you object to the United States taking that in lieu of its loan when it is really the representation of the bone and sinew in the construction of our country? I am connected with four banks. I have paid out the largest pay roll in the last three months of any man on this floor, and I have never had to pay one cent of shave for the money whereby to pay my men, and everything I am connected with has paid every just demand for labor. If a man wanted to go to Wall street he could not get a dollar.

Mr. PRINCE. I am willing to answer questions, but I can not have the gentleman inject a speech into my remarks. There is no question but that the gentleman is correct in his statement that the basis on which clearing-house certificates are issued is of the very best kind. And along that same line comes the theory of the credit currency, that the commercial credit of the country is of the very best kind, and this only tends to prove the position we take in favor of a credit currency, only demonstrating beyond the possibility of a doubt that it is the best basis for the credit currency.

We know that the chairman of the committee [Mr. FOWLER], in season and out of season, for years and years, has been contending that this basis for clearing-house issues would be a good basis for credit currency, not asset currency, that had near by the touchstone of redemption which he provides for in his measure.

There are two schools of finance, as we observe it, in the bills that have been presented in this House and Congress. One honestly, intelligently, and patriotically—I am not criticising them for this—for a bond-based currency; the other does not believe in a bond-based currency. The people are divided upon that question; financiers are divided; we are in doubt upon that question. Is there any way that we can settle it? Is there anything to turn to to determine our policy? Take the history of the commercial countries of the world. Take the fact that the first-class commercial countries to-day on the globe outside of the United States have a credit currency. Is it not notice enough that there is something solid in the position that these countries take, and is it not ground, at least, of admonition to some people that there is some reason, some basis for the credit currency that is being advocated by the advocates of the Fowler measure? On one side stands part of the people of the United States; on the other side stands part of the people of the United States and all the balance of the commercial world. Where is the heavy artillery, where the strength of the business interests of the world, where the financial knowledge of men who are dealing with this question? Is it for bond issue and bond currency, or is it for credit currency with which the commercial countries agree?

Let us follow this bond-based currency a while. When did it start? Did we have it prior to the war? Partly, and partly not. That which we have that was bond based, the notes failed. That which was based upon the credit currency, like the Suffolk Bank system in New England, like the great Bank of Louisiana, never failed, but met their notes; and long after the war, when property was destroyed, when the bonds of the Confederacy went to pieces, when its government notes went to pieces, the State Bank of Louisiana, that had issued its notes, paid every one of them 100 cents on the dollar. Is that knowledge enough to cause people to open their eyes as to what are the facts of history of this country and the commercial countries of the world?

We went upon bond-based currency in stress of war, which currency during the war was worth but very little on the dollar.

We have pending in this House, and I read by the papers there is pending elsewhere, a bill to enlarge the bond-secured currency. The purpose of that bill is to add to the United States Government bonds State bonds, city bonds, municipal bonds, and bonds that are created by districts, like the drainage district, if you please, of the city of Chicago; like drainage districts throughout the country, or sanitary districts or any kind of a public district that is acting as a sovereign power and had given to it the right to issue bonds. That is to be the basis, with proper limitations, upon which to issue currency with a tax upon it. They say that currency based upon these bonds are of stable value and will be universally accepted, because there is something back of them, a bond which means something. Of these men I am not here to complain to any great extent. I do not think it is based upon the proper basis for a currency that will expand and enlarge and recede as business demands. I further notice that many of these bonds go down in value. I also notice in addition to that there has come to be a new school of financiers, who believe that these bonds should be added to. They say that if the whole sovereign power issues a bond and that is good as a basis of currency, that an integral part of the sovereign power when it issues a bond, it ought to be good enough to be used as a basis of currency when it meets the requirements of the law.

So that when you resolve it down to a bond that is issued by the sovereign power of the people, either an integral part of the whole or the whole, there may be some good reason for that kind of security. We meet with another school that goes this school a little better and wants to add to these sovereign bonds issued by the sovereign power, having the whole country back of it, having the taxing power of the people back of it, either the whole or an integral part, railroad bonds and interurban bonds.

Mr. MADDEN. I will say for the information of the gentleman that the bill has been amended by striking out railroad bonds.

Mr. PRINCE. When has it been amended?

Mr. MADDEN. To-day.

Mr. PRINCE. I have just been informed by my colleague, the gentleman from Illinois [Mr. MADDEN], one of the ablest and best men in the House, that that against which I am now contending has gone out of the bill, showing that if that action has been taken, they have acted wisely in that regard, at least to that extent.

Mr. MADDEN. To a slight degree.

Mr. PRINCE. To a slight degree; and yet they are moving along sane lines in taking out bonds which, during the panic we have been passing through, were reduced in value from 10 to 50 points from August up to the 1st of January of this year. I am glad to say that they have gone out, and I am inclined to think that more things will go out before the bill receives the signature of the President of the United States.

Mr. ADAIR. I should like to ask the gentleman, if it is true that these bonds have gone out, is it not a fact that all of the

bill has gone out, because there will not be a sufficient amount of other bonds to put up as security for the amount of currency to be issued?

Mr. PRINCE. I am very glad the gentleman asked me that question. I was coming to that in the discussion. I have been sitting for two or three years at the feet of the financial Gamaliel of this House, my colleague, the chairman of the Committee on Banking and Currency, the gentleman from New Jersey [Mr. FOWLER], have been reading much and have heard much from him. And in the course of the discussion and in the course of the reading I have wondered why it was that these latter bonds, which, according to rumor, have gone out of the Senate bill, were ever even considered as worthy of being a part of a financial measure. I read and studied, and finally found a distinguished statesman who had given utterance to this expression, that these bonds were included because the Secretary of the Treasury, under the law, had a right to use them for the purpose of securing the deposits of public money. Let us see what that is. On page 59 of the law I read this:

The Secretary of the Treasury shall require the association thus designated, being a depository, to give satisfactory security by the deposit of United States bonds and otherwise for the safe-keeping and prompt payment of the money deposited.

Mr. ADAIR. Now, I want to ask the gentleman if the Secretary of the Treasury has not been striking out the word "and" and inserting the word "or?"

Mr. PRINCE. As to that, Mr. Chairman, I do not know by what authority the Secretary of the Treasury or any other executive officer has the right to change any law enacted by Congress and signed by the Executive. I think it is high time that the law be obeyed by everybody and not changed by anybody.

Mr. ADAIR. I mean has he not in fact done it without asking any authority?

Mr. PRINCE. That is a question that the gentleman can answer as well as I can. The theory upon which bonds of this kind were accepted was that the law permitted it under the words "United States bonds and otherwise." I have not looked closely, so therefore I would not dare say. It may be that he would accept one Government bond for a hundred dollars and the balance in chips and whetstones to come under the words "and otherwise." I do not suppose he would dare go to the extent of having no United States bonds, and accept nothing but chips and whetstones and all kinds of other things, as you will see they have been accepting as security, if you will look at the report, to which I have heretofore referred.

They may be ample, they may be secure, but I am calling the attention of the House for the purpose of showing that one statesman expressed the views that that was the justification, or at least the semblance of justification, for including that kind of bond as a basis for circulation.

Mr. HINSHAW. Will the gentleman yield?

Mr. PRINCE. I will.

Mr. HINSHAW. As I understand it, and I will ask the gentleman if it is true, the chief difference between the bond-secured proposition and the Fowler bill is that in the bond-secured proposition these various kinds of bonds may be put up for the issuance of currency, whereas in the Fowler proposition there is no security whatever except the reserve fund in gold. What other difference is there, if the gentleman will state?

Mr. PRINCE. I am coming to that. If the gentleman will allow me to proceed along the line I am now on, I will answer him, and if I do not the gentleman can remind me of it before I close. I further read where another statesman has said—

That there were not enough State, county, town and other municipal bonds in sufficient number and amount to afford a basis for the superstructure such as was needed for the issuance of five hundred million additional emergency currency.

That, in substance, is the question of the gentleman from Indiana [Mr. ADAIR]. It was feared that if the additional emergency currency was limited to this class of bonds that a corner could be engineered upon them to the detriment of the country. I was inclined to believe there was great force in the argument. I read on, and later I found it stated by this same statesman "that there were over two thousand million dollars of these kinds of bonds now in existence that could be used for the purpose of issuing additional currency."

After reading this last statement I was clearly convinced that there was no shadow of reason—mark what I say—no shadow of reason why railroad bonds or street-car bonds should be had as a basis for currency. I am inclined to think that these last-mentioned bonds should have no place as a basis for currency, and the purpose of their being included is for some purpose other than being needed as a basis for currency circulation. I have wondered if there were not a little curly-headed fellow in the woodpile and if he were there for speculative purposes.

Mr. ADAIR. Will the gentleman give the name of this statesman?

Mr. PRINCE. I can not give the gentleman's name, but he says there were not enough of the bonds, and further on in the article he said there were two thousand million of these bonds, ample to base currency upon.

Now, this statesman was a gentleman familiar with the bill, and these are excerpts from remarks made elsewhere. I am speaking of what was in the newspaper. This gentleman, a member of the committee who framed the bill, gave as a reason that there were not enough of the bonds, and then stated that there were two thousand million dollars of them that could be used under the provisions of the bill. Now, if two thousand millions could be used under the provisions of the bill, will you tell me how many thousand millions could be used as the country develops, as towns and districts are growing, and as additional bonds would be issued from time to time to meet the current expenses and indebtedness of the country?

Now, I seem to be arguing and discussing a horse that is dead and gone. I congratulate the country that it has been stricken from the measure and that the country will now be presented with a different proposition; but to that amended proposition I am not much more favorably inclined than I was to it along the line it was first presented, except that one of the worst features has gone out of the bill as reported by my colleague.

What is the other currency feature? It is that which is advocated by the gentleman from New Jersey [Mr. FOWLER], and I name him because the bill is known by his name, and what, in substance, is it? He believes not in asset currency, but he believes in a credit currency. He believes that a bank should be permitted to issue currency upon the credits in a bank—a book credit, if you please, deposits—and when a person asks for money or credits or currency, that he can have either that he sees fit, and when the bank issues its currency notes, they go out into circulation. Now comes the question of the gentleman from Nebraska——

Mr. HINSHAW. I am not in favor of the so-called "Aldrich bill" as at present constructed. I do not want the inference to be drawn that I am. But outside of the assets of the bank proper, the assets the bank has within its vaults, what other security is there for the issuance of currency under the Fowler bill than the gold reserve?

Mr. PRINCE. That is right. That is a good proposition. That is a fair question. The gentleman asks me this. He says, under the bond-secured currency, before currency can issue a bond must be purchased or borrowed by the bank that seeks to issue the currency, and that bond, either purchased or borrowed, must be taken by the bank that wants the currency and given to the Secretary of the Treasury, and the Secretary of the Treasury holds in the vault the bonds, and he hands out the currency, and the currency in circulation is secured by the bond that is held by the Secretary of the Treasury. Now, you ask me what are the provisions of the Fowler bill on this question. The Fowler bill issues currency, and the gentleman asks me if there is any security placed in the hands of the Secretary of the Treasury. I answer you, "No." Then you say, "Will the holder of that kind of a note that has no security in the hands of the Government find that it is as good in his hands as that which is based on a bond which the Government holds to secure the note in hand?" I say, "Yes; it is just as good."

Mr. HILL of Connecticut. And better.

Mr. PRINCE. And better. You ask how that apparent paradoxical statement is true. Let me answer. The Fowler bill permits the bank to issue, under certain conditions, a note. That note is handed to the gentleman from Nebraska [Mr. HINSHAW]. That note in the hands of the gentleman from Nebraska calls for gold or lawful money. He can turn around a minute after he gets it and go to Mr. FOWLER, whose bank issued it, and say, "Give me gold for that note," and Mr. FOWLER hands it out. He can call for lawful money. Mr. FOWLER hands it out. Mr. FOWLER has made provision in that bill that the country of the United States shall be divided into twenty zones or territories, for the purpose of the convenience of redemption, and that there shall be a city within each one of those zones, where every bank that does business within that zone has money on hand to redeem its note in gold or lawful money. Mr. FOWLER, when he starts that kind of a bank, must keep within his own bank gold or lawful money to meet his issued note, which you have, or he has to have money in the bank where Mr. SPERRY is president, which is the redemption

bank—he has to keep money there, either gold or lawful money; so that if the note that you present gets into the bank of Mr. SPERRY, he will redeem it in gold or lawful money. Now, what is lawful money? Not national-bank notes, not this kind of notes, not gold certificates or silver certificates in the sense of law, but gold or silver or United States notes. The bond-secured currency has to be redeemed. The redeemer of bond-secured currency is the Government of the United States. You can take your national-bank note and exchange it for lawful money. You can take that lawful money to the Treasury of the United States and demand gold. You have a way to start the endless chain and bring the gold out of the Treasury to redeem your notes, and to-day there is placed upon the Government of the United States the burden of redeeming all greenbacks, of redeeming the silver and keeping it at a parity with gold, of redeeming the Treasury notes, of redeeming the United States notes, the greenbacks, of redeeming the present volume of 695,000,000 of national-bank notes; and if 500,000,000, or a billion more are issued by this so-called "emergency bill," you pile a billion more upon the gold that the Government has to maintain, and you start to running the endless chain that will force this Government to sell bonds in time of peace to keep our money at a parity.

Mr. MADDEN. Will the gentleman let me ask him a question?

Mr. PRINCE. Let me finish this. Does the Government agree to redeem the notes in the Fowler bill? No. Is there any further security? Yes. Five per cent of the deposits in his bank, taking the preceding six months—5 per cent of the circulation of all banks, of all the national banks, of the deposits in all the national banks—5 per cent of the deposits, 5 per cent of the notes, and 2 per cent of a tax while these notes are in circulation is placed in a fund to guarantee the prompt redemption of the notes so issued.

The burden of keeping the gold for redeeming the notes is upon Mr. FOWLER, not upon the Government. What would be the effect of his bill if it went into operation? There would be just two kinds of money and currency. The Government would go back to its original position and coin money and regulate the value thereof. It would have specie as money. The bank would then issue through banking operations the currency that would meet the demands of the people, and when the time came for the demand to cease the notes would go back into banks and cease to be in circulation.

The CHAIRMAN. The time of the gentleman has expired.

Mr. PRINCE. I would like to have a little more time.

Mr. KEIFER. Mr. Chairman, I yield twenty minutes more to the gentleman from Illinois [Mr. PRINCE].

Mr. PRINCE. The 5 per cent on the deposit notes, the 5 per cent on the notes, and the tax on the notes added together the first year would bring in $25,000,000. It is pretty hard to keep all of these figures in my head.

You ask if that is ample to redeem notes and pay depositors. That is a guaranty fund for the payment of the notes, for the payment of the depositors. The depositors are of three kinds: First, the individual depositor; second, the bank that deposits, and third, the Government deposits. Now, is this ample to meet all the requirements? It looks like a pretty large sum. How much is there? There might possibly be issued a billion dollars of this kind of circulation. The deposits in the savings banks, State banks, and national banks all together would be thirteen billion. There is fourteen billion. Would that be ample, asks the "Doubting Thomas?" Would that fund be ample to meet this great demand? Would 5 per cent be ample to meet it? The fund would eventually amount to about seven hundred million. The only way I can answer that is by showing what is the fact, what is the history of our country upon that question.

Let us go to 1873. I do not want to take the good years. I want to take the worst years this country has had, and that is the way to prove the case. If you can not prove it by the worst years, you ought not to try to prove it by the best years. Here is the report of the Comptroller of the Currency as to the losses of depositors in national banks, beginning with the year 1865 and ending with the year 1905. Let us take the panic of 1873. There were eleven banks that failed. For all the deposits of every kind and character, including individual deposits, including Government deposits, a tax of two-tenths or a trifle over two-tenths of 1 per cent on all the deposits would have met all the losses. And yet the Fowler bill provides a tax of 5 per cent. A tax of two-tenths of 1 per cent would have met all the losses of all the depositors of every kind and character, according to the report of the Comptroller of the Currency, in the bad year of 1873, when eleven banks failed. Is that a sufficient answer that the fund is large enough? Let us go a little further. Let us take another year that is even worse than that, if you please. Let us take the year of 1893. There were fifty-one bank failures in that year. A tax of twenty-four one-hundredths of 1 per cent on all the deposits in all the banks would have paid all the losses of all depositors, including Government deposits, for the year 1893, the worst year this country has had so far as bank failures are concerned, since 1865. The panic of this year does not at all compare with it. Very few banks failed during this panic.

Mr. GAINES of West Virginia. May I ask the gentleman a question?

Mr. PRINCE. Yes, sir.

Mr. GAINES of West Virginia. Is there any limit in the plan the gentleman favors on the amount of notes that the bank may issue?

Mr. PRINCE. Yes, sir.

Mr. GAINES of West Virginia. What is that limitation?

Mr. PRINCE. To its paid-up capital, and then if the board of managers in the zone see fit, and there is necessity for it, they can increase it, say, 100 per cent.

Mr. GAINES of West Virginia. Is it taxed?

Mr. PRINCE. It is taxed; and a deposit has to be put up against it.

Mr. GAINES of West Virginia. That is a guaranty fund, but not an emergency tax.

Mr. PRINCE. There is a reserve against it. We do not claim it is an emergency currency at all. I am frank to say to the gentleman that the moment the Congress of the United States proceeds to deliberately pass a bill that indicates its currency is not sound, that it has to have an emergency currency, it hoists a red flag over the Capitol and gives notice to the whole world that we can not depend upon our currency, that it is unsound somewhere, and we must have an emergency currency.

Is it not a very fine thing for the United States to put over the Capitol the red flag of distress when there is no need for it? I want to say, gentlemen, that there is ample money and currency to do the business of the country. There are $35.54 for each man, woman, and child in the United States, every dollar of which is worth 100 cents—twice as much as we had when we had greenbackism so rampant in our country.

Mr. PUJO. I understand the gentleman from Illinois advocates that feature of the bill guaranteeing deposits?

Mr. PRINCE. I do, sir.

Mr. PUJO. I understand that the deposits in all the banks, national, State, and savings banks, approximate thirteen billions, do they not?

Mr. PRINCE. Yes, sir.

Mr. PUJO. And the money will approximate something like three billions?

Mr. PRINCE. Yes, sir.

Mr. PUJO. Then you would have $10,000,000,000 on which to guarantee deposits that is nothing except a book credit guaranteed in the banks of this country?

Mr. PRINCE. Yes; I would have the deposits guaranteed.

Mr. PUJO. Is that a guaranty of deposits or a guaranty of ten-thirteenths of the credit represented by giving to some one credit in the bank of an amount for which he has made his note?

Mr. PRINCE. The chances are the bookkeeping would have to be readjusted so as to show the actual deposit, instead of having a lot of paper credit.

Mr. PUJO. Is not your argument in favor of guaranteeing the deposits in its last analysis that the Government of the United States supervises the bank, so that the depositors are given some measure of protection, because the inspectors go over the books, and that holds out under the law the safety of the depositors and those who do business with the national banks? Would not the same reason apply to one who would invest in a railroad bond, that his investment should likewise be protected?

Mr. PRINCE. I think not.

Mr. PUJO. Do we not regulate railways? Have we not an Interstate Commerce Commission?

Mr. PRINCE. I have answered you frankly; I answered that I am in favor of guaranteeing the deposits. That ought to be sufficient. Then let me go on and sustain my position.

Mr. PUJO. One more question.

Mr. PRINCE. Please let me go on.

Mr. PUJO. In support of another feature.

Mr. PRINCE. I must decline, because I have answered your question frankly. I do not believe in dodging any question. Now, on the question of deposits, let us see what shape we are in. Here are banks in the State of Illinois, a State bank on one corner and on the other corner is a national bank. When a man takes his money and puts it in the national bank, if he

deposits $100 in the bank the banker is required to keep $15 reserve against that $100. If his neighbor takes $100 and puts it in a State bank of the State of Illinois the banker does not have to keep a penny as a reserve on that $100 deposit.

Mr. MADDEN. Is my colleague quite sure about that?

Mr. PRINCE. I am quite sure, because a recent statement of the Comptroller of the Currency said that up to January 1, 1908, that was the law in Illinois.

Mr. MADDEN. The State banks do keep 25 per cent reserve, as a matter of fact.

Mr. PRINCE. As a matter of fact, they may do one thing, but as a matter of law they are not required to do it. And this is what you have. You will have the strong national or State bank holding up the weak State bank. Let me say to you that the first bank to put the white flag of surrender over its building was not a national bank.

Talk about your depositors, what security have they now? You take the State banks of Illinois, the third State in the Union, having within its limits the second city. Have those State banks a legal reserve? Not a penny have they to keep as reserve for any hundred dollars that may be deposited. The people of the country do not distinguish between a State and a national bank, and if there is a run on one of these banks and it fails, there is going to be a run on the other banks; and it is the strong national and State bank that has to come to the support of the weak State bank. It is the strong banks of the country that sustain the weaker banks. The strength of your chain is the weakest link in the chain. The State banking institutions are not required to keep a penny of reserve.

Mr. COLE. Has there been any experience in the history of any of the States on the subject of insuring deposits, levying a tax for that purpose?

Mr. PRINCE. As to that I can not answer.

Mr. COLE. And if so, has it been successful?

Mr. PRINCE. I am unable to answer that; but let me read this:

Reserves of banks and trust companies required by the laws of the different States down to January 1, 1908:
Illinois, no reserve requirement.

That ought to be clear enough.

Mr. HILL of Connecticut. Does not the gentleman know it to be a fact that the strongest bank in the world, the Bank of France, has no reserve requirement, but that it keeps the largest reserve of any bank in the world?

Mr. PRINCE. That is a central bank, and they operate in a different way than our State banks. Let us confine ourselves to the question at issue. I am talking about the banks of this country. There is a report here and a criticism of this bill by a gentleman, who, in my judgment, is the equal of any gentleman who sits on the floor of this House, and who has no superior in either branch of Congress, a man who has given you in his minority views the most succinct, the most telling, the strongest reasons that can be urged against the Fowler bill. I refer to my distinguished colleague and friend, the gentleman from Ohio [Mr. BURTON], and I commend his report to your reading. Now, what does he say on page 3, as to this question of a currency:

It may be conceded that this is the most correct principle for the issuance of currency.

What does he say on page 5:

Again, it should be noted that this measure does not contemplate the guaranty of deposits in savings banks, where the depositor is most liable to imposition, and where his loss would be most severely felt.

Have I put it too strongly myself? If I have, I am buttressed by a gentleman in whose judgment I have great confidence, and whose judgment is correct so far as that statement is concerned.

And let me go a little further. I read in the public press that one of the ablest and most erudite members of another body said that if we were to change our currency and were to start anew, most assuredly, to use his expression, the kind of currency we now have is the worst kind we could have.

Mr. VREELAND. I assume that the gentleman from Illinois favors the passage of the Fowler bill.

Mr. PRINCE. I do.

Mr. VREELAND. I assume from his argument that he thinks that State banks and savings banks and trust companies should be required by law to maintain an adequate reserve.

Mr. PRINCE. I do.

Mr. VREELAND. Will the gentleman explain to the committee how the Fowler bill will compel the maintaining of proper reserves by these classes of banks?

Mr. PRINCE. As to that, I can only say that, in my judgment, if the Fowler bill becomes a law, if the deposits of the depositor are guaranteed by these banks, as there is an ample fund to do, the chances are ninety-nine out of a hundred that the men who have money to deposit will deposit it in places where they know it is absolutely safe and where they can get it, rather than take any chances in putting it where they may or may not get it when they call for it; and I am inclined to think, and it is the theory of the bill, that these other banks in time will come under this system, and we will have one uniform general system, which will be under supervision and control and which will be managed in a way that no losses can occur to a depositor, a note holder, or anyone interested therein.

Mr. VREELAND. There are some 600 savings banks in New York and New England that are purely mutual, in which there is no stock, and it is evident that it would be impossible for them to turn into the national system. Will the gentleman explain what would become of those banks, with their two and a half billions of deposits and their two and a half millions of depositors?

Mr. PRINCE. So far as that is concerned, we have nothing to do with the savings banks in this bill. Those are excepted and are no part of this measure. I am inclined to think that if it should turn out that it is better to keep them, they will remain.

Conditions will open up to show the way just as it has in all conditions of that kind. If they are perfectly safe, I should say by all means continue where they are.

Mr. VREELAND. Will the gentleman tell us if the system of guaranteed deposits by the Government—I understand it is not in terms a guaranteeing of deposits, but it practically amounts to that, compelling the banks to pay a certain sum to guarantee the depositors—if that system should prove to be what the author of the bill hopes it will be, could the great savings banks of the East, which are mutual in their form, live side by side with the banks whose deposits are guaranteed by the Government?

Mr. PRINCE. I wish to say that there is not a word, a syllable, or a line in this bill which places the burden of guaranteeing a penny upon the Government.

Mr. VREELAND. I just stated to the gentleman not in terms.

Mr. PRINCE. Then let us leave out the question of Government guaranteeing deposits.

Mr. VREELAND. Well, put it that the funds required by the Government to be deposited, and we still have the question under the system of guaranteeing deposits, Can the mutual savings banks which exist in such great number, having deposits running up into the millions, exist side by side with the banks whose deposits are guaranteed?

Mr. PRINCE. If it is in the interest of the depositor and for his safety to have his money placed in the national banks rather than in the other banks, would the gentleman from New York insist that he should not have his interests conserved?

Mr. HILL of Connecticut. Will the gentleman from Illinois allow me?

Mr. PRINCE. Certainly.

Mr. HILL of Connecticut. I am just as much opposed to guaranteeing deposits as is the gentleman from New York, but let us be fair. There is no relation between the bill which the gentleman has reported from the Committee on Banking and Currency and the mutual savings banks. My State has one hundred and eighty-five millions of deposits in the mutual savings banks, but the State steps in and says what kind of investments shall be made. They are not doing a commercial business like the banks to which the gentleman refers and to which the bill relates. It is entirely an independent proposition, and the gentlemen ought to except them, as the bill does except them. Why mix them up; let us meet the question fairly and squarely. It does not do any good to compare them to the savings banks, because it does not relate to them.

Mr. PRINCE. Let us not try to muddle the water; let us not try to play the cuttlefish and ink the waters to escape the issue. Let us meet the issue. I state frankly that I am for the measure. I believe it is the best measure of any proposed, and that it will work to the interest of the country better than any other. It will meet the desires of the people, and the deposits of the people are safe under this system. I know currency will enlarge and expand and recede as the business interests demand. I know that the burden of maintaining and keeping that currency at a parity with gold will be placed upon the banks and not upon the Government; and I know that by no possibility under the Fowler bill can the endless chain be operated as it was under the Administration of President Cleveland, forcing this country in a time of peace to issue bonds to maintain a gold reserve.

Mr. MADDEN. Will the gentleman tell us how the banks are going to get the gold to maintain the notes at a parity with gold?

Mr. PRINCE. It is easy enough to get it.

Mr. MADDEN. Will the gentleman tell us how?

Mr. PRINCE. There is plenty of gold. Let me say to my colleague that the annual output from the mines of the world is $400,000,000. Seventy-five million dollars is used other than for coinage, and three hundred and twenty-five millions is added annually to the money coinage of the world. And let me say to the gentleman what occurs here in our own country. I have just received this from the Director of the Mint. The net excess of imports of gold over exports was $114,334,643 for eight months last past.

Mr. OLLIE M. JAMES. Will the gentleman yield for a question?

Mr. PRINCE. In just a moment. I remember in the discussion of the money question in 1896 that we all thought if we could add to the currency of the country, to the gold, about fifty or sixty million dollars, it was ample to meet the needs of the country, and yet during eight months of this last year, a part of which was a panic time, there was added to the volume of the currency, gold, not silver—I can give you the silver also for the same time; the net of silver excess of imports over exports was fourteen million, and of gold one hundred and fourteen million——

The CHAIRMAN. The time of the gentleman has expired.

Mr. HARDY. I would like to ask the gentleman a question.

Mr. PRINCE. I will be glad to answer it if the gentleman will give me more time. Can he not give me just three minutes?

Mr. KEIFER. I yield the gentleman three minutes more.

Mr. HARDY. Is not every central banking system known to civilization, where there is a central bank with branch banks under it, a system of mutual guaranty of deposits in another form?

Mr. PRINCE. Yes, in effect; and what we want to do—and I am glad the gentleman has brought that to my attention, for I have been deflected from the course of my remarks. Here are 6,000 and upward of individual banks, and they will be combined in these zones. They will have a voice in the selection of the managers, and these managers will be in charge of these zones. These will coordinate, these banks, in twenty places. The banks in this zone will be under the direction of the Comptroller of the Currency, and in these respective districts there is coordination of the various banks, and they stand united as one central bank, and yet each one of them is an entity, each one of them has an individual standing by itself, maintaining its individuality and its individual strength, but coordinated as one for the benefit of the whole country. And that is one of the best features of the bill, and I earnestly ask the committee to read this bill. I ask you to read the report, I ask you to read the minority views and their report, and I ask you to read the views of the gentleman from Ohio [Mr. BURTON]. Do not be carried off your feet by the wishes of anybody. Read these measures, and if they can not stand the test, do not vote for them. I say to you, if you will read them and study them, you will be convinced that this bill—the Fowler bill—is the correct principle; you will be convinced it is the one that you should vote for, and I would not be surprised in the slightest degree, if this House will read the measure, that they will stand for this bill so far as this House is concerned.

Mr. OLLIE M. JAMES. The gentleman tells us that if this bill passes it will make it impossible to issue bonds like Cleveland did. Cleveland issued bonds to get money in a depleted Treasury. Please inform the House what effect it will have upon the issuance of bonds like those issued under this Administration, to get money in the Treasury, when we had $250,000,000 already there.

Mr. PRINCE. As to that I will say this: We had two hundred and forty millions—anyway, we had over two hundred millions—at the time that the Secretary, in his judgment, acting in good faith—no criticism of him in the slightest degree—thought it was wise to throw into the maelstrom in New York City an amount of money and stop, if he could, what appeared to be a panic, and I want to say that in those days he added $40,000,000 to the bonded indebtedness of the United States between August 1 and January 1, 1908.

Mr. OLLIE M. JAMES. Why did not he go out and buy bonds instead of selling them? He had money enough to do it.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BOWERS. I yield to the gentleman from New York [Mr. SULZER] such time as he may desire.

Mr. SULZER. Mr. Chairman, the recent decision of the United States Supreme Court in the case of the United Hatters of North America is of far-reaching importance and affects every workingman in our country. That decision practically holds that a labor organization is a trust and subject to the provisions of the so-called "antitrust law." I do not think this was the intention of Congress when the act was passed; but be that as it may my judgment is that this decision should be given the widest possible publicity, with the comments of the leaders of organized labor, to the end that all may know. So, Mr. Chairman, I send to the Clerk's desk and ask to have read in my time a very able and exhaustive and lucid commentary on the decision by President Samuel Gompers, an editorial by him in the American Federationist, and the decision itself.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

[Editorial from American Federationist, by Samuel Gompers.]

LABOR ORGANIZATIONS MUST NOT BE OUTLAWED—THE SUPREME COURT'S DECISION IN THE HATTERS' CASE.

On February 3, 1908, the Supreme Court issued the most drastic and far-reaching decision which it has ever handed down. This decision directly affects all labor, and hence the whole people. The case was that of the Loewe Company against The United Hatters of North America. The court invokes the Sherman antitrust law and under it decides that the Hatters are liable in damages according to the complaint of the Loewe Company. This action was first brought in the United States circuit court in the district of Connecticut under section 7 of the Sherman antitrust law. The lower court sustained the contention of the Hatters that they were not liable under the Sherman law.

The Loewe Company then carried the case by writ of error to the circuit court of appeals. The circuit court, desiring the instruction of the Supreme Court on the writ of error, put the question thus:

"Upon this state of facts can the plaintiffs (Loewe & Co.)[a] maintain an action against the defendants (Hatters) under section 7 of the Sherman antitrust law of July 2, 1890?"

The plaintiffs and defendants then joined in the application to the Supreme Court to require the whole record and cause to be sent up for its consideration. This application was granted.

The Supreme Court invoked not only section 7, but sections 1 and 2 of the Sherman antitrust act, and declared that: "In our opinion the combination described in the declaration (United Hatters) was a combination in restraint of trade or commerce among the several States in the sense in which those words are used in the act, and the action can be maintained accordingly."

The decree also states:

"And that conclusion rests on many judgments of this court to the effect that the act (Sherman antitrust) prohibits any combination whatever to secure action which essentially obstructs the free flow of commerce between the States, or restricts in that regard the liberty of a trader to engage in business.

"The combination charged (boycott by Hatters) falls within the class of restraints of trade aimed at compelling third parties and strangers involuntarily not to engage in the course of trade except on conditions that the combination (Hatters) imposes."

The sections of the Sherman antitrust law upon which the decision is based are as follows:

"SECTION 1. Every contract, combination, in the form of trust or otherwise, or conspiracy, in restraint of trade or commerce among the several States or with foreign nations, is hereby declared to be illegal. Every person who shall make any such contract or engage in any such combination or conspiracy shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by fine not exceeding $5,000, or by imprisonment not exceeding one year, or by both said punishments in the discretion of the court.

"SEC. 2. Every person who shall monopolize, or attempt to monopolize, or combine or conspire with any other person or persons to monopolize any part of trade or commerce among the several States or with foreign nations shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by fine not exceeding $5,000, or by imprisonment not exceeding one year, or by both said punishments in the discretion of the court."

"SEC. 7. Any person who shall be injured in his business or property by any other person or corporation by reason of anything forbidden or declared to be unlawful by this act may sue therefor in any circuit court of the United States in the district in which the defendant resides or is found, without respect to the amount in controversy, and shall recover threefold the damages by him sustained and the costs of suit, including a reasonable attorney's fee."

We publish elsewhere in this issue the Supreme Court decision

[a] Parentheses and italics are ours in this editorial.

in full. The court attached the complaint of the plaintiffs in the margin of the decision, and it also quotes from their complaint in the body of the decision.

No more sweeping, far-reaching, and important decision has ever been issued by the Supreme Court. The Dred Scott decision did not approach this in scope and importance, for it only decreed that any runaway slave could be pursued if he made his escape into a free State and his return compelled by all the powers of the Government, to his owner to a slave State. Any person who assisted in the escape of a slave or who harbored him could be prosecuted before the courts for a criminal offense. That decision involved the few negro slaves who could make good their escape from a slave-holding State. The civil war annulled the decision of the Supreme Court and freed the slaves. It cost the lives of hundreds of thousands of brave men on both sides and emancipated from chattel slavery 4,000,000 slaves. No man now proudly points to that famous Dred Scott Supreme Court decision.

The decision of the Supreme Court in the Hatters' case involves every worker and every sympathizer with the ennobling work of the labor movement of our land. A study of this momentous decision reveals some strange peculiarities. Outside of the opening paragraphs quoted above, the decision has very little other than the citation of cases which are held to illustrate and support it. There are references to injunctions granted under the Sherman Antitrust Act and brief comment upon the citations, the decision gives an outline of the complaint incorrect in many particulars, especially in its summary of boycott proceedings by the Hatters. It quotes directly and at great length from the complaint (Loewe & Co.). The decision concludes thus:

"And then follows the averments (in Loewe complaint) that the defendants (Hatters) proceeded to carry out their combination to restrain and destroy interstate trade and commerce between the plaintiffs and their customers in other States by employing the identical means contrived for that purpose, and that by reason of those acts plaintiffs were damaged in their business and property in some $80,000.

"We think a case within the statute was set up and that the demurrer should have been overruled.

"Judgment (of lower court) reversed, and cause remanded with a direction to proceed accordingly."

Reference to the decision itself will show what precedents are quoted and what comments the court makes on them to show their alleged bearing on this case; but, in truth, not one of them in any degree parallels this case or sets any precedent that the layman can discover.

The Hatters' defense of the boycott, their explanation, and justification—for the boycott is admitted—appears nowhere in the decision.

As the complaint of the plaintiffs (the Loewe Company) is published in full with decision, it would seem only fair that the reply of the defendants (Hatters) should also have been reproduced.

As it is, the complaint of the plaintiffs is apparently taken by the court as a true and correct account of what happened, though it is in reality full of the most glaring inaccuracies and misstatements. We have not the space here to quote the complaint and point out its fallacies, but may do so in the future.

When the court quotes from the complaint it includes its errors.

Some of these we shall point out, for it is not right that what is destined to become so historic a decision should rest upon a faulty foundation of fact without protest.

The court, quoting from the plaintiff's complaint, directly, says that defendants were—

"engaged in a combined scheme and effort to force all manufacturers of fur hats in the United States, including the plaintiffs, against their will and their previous policy of carrying on their business, to organize their workmen in the departments of making and finishing in each of their factories into an organization, to be part and parcel of the said combination known as the United Hatters of North America, or as the defendants and their confederates term it, unionize their shops, with the intent thereby to control the employment of labor in and the operation of said factories, and to subject the same to the direction and control of persons other than the owners of the same, in a manner extremely onerous and distasteful to such owners, and to carry out such scheme, effort, and purpose, by restraining and destroying the interstate trade and commerce of such manufacturers, by means of intimidation of and threats made to such manufacturers and their customers in the several States, of boycotting them, their product, and their customers, using therefor all the powerful means at their command as aforesaid until such time as, from the damage and loss of business resulting therefrom, the said manufacturers should yield to the said demand to unionize their factories."

The Hatters had union agreements with seventy out of eighty-two manufacturers in the country. The Supreme Court says of this:

"That the conspiracy or combination was so far progressed that out of eighty-two manufacturers of this country engaged in the production of fur hats, seventy had accepted the terms and acceded to the demand that the shop should be conducted in accordance, so far as conditions of employment were concerned, with the will of the American Federation of Labor; that the local union demanded of plaintiffs that they should unionize their shop under the peril of being boycotted by this combination, which demand defendants declined to comply with; that thereupon the American Federation of Labor, acting through its official organ and through its organizers, declared a boycott.

The court takes the amazing view that even the very successful effort of the hatters' union to obtain and maintain industrial peace with employers is proof of unlawful conduct—that is, "conspiracy"—and under the Sherman antitrust law unlawful and punishable by being mulcted in damages and by fine and imprisonment.

As a matter of fact, neither the hatters nor any other trade ever attempted to "force all manufacturers against their will" to make agreements with the union. Common sense teaches that a voluntary agreement between an employer and a union must be a peaceful one.

All union agreements with employers are voluntary and mutual.

No union could, if it tried, force an employer to enter into an agreement with it. No union attempts such unbusinesslike tactics. The most any union has done is to decline to buy the products of a firm which declined to employ union men and grant the prevailing rate of wages, hours of labor, and conditions of employment. Supposing that they were exercising their constitutional right of free speech, union men have asked their friends and fellow-unionists not to buy such goods. A word as to this custom may not be amiss here.

No manufacturer, no retailer, has any vested right in the purchasing power of an individual or of the community; no court can confer upon him that right. The patronage or purchasing of goods depends on the whim of those who buy. A purchaser may decline to buy certain goods, for the most absurd reason or no reason; yet the person who has those goods to sell has no resource by which he can force the purchaser to buy them.

In illustration of this, witness the stock of goods which accumulate in every line of retail business, nothing wrong with the goods except that the whim of a passing fashion has decreed them out of date and the purchaser looks for novelty, or, on the other hand, the purchaser may decline to buy the article in fashion and insist upon the indulgence of individual taste, thus greatly disappointing the retailer who would like to dispose of stock on hand. We digress this much to show how completely the purchasing power is vested in inclination.

In the case in point the boycott by the hatters against the Loewe Company did not result in fewer hats being purchased by the community; therefore we can not see how there was any retraint of trade. The boycott, if effective, merely diverted the purchasers to some other make of hats. The volume of trade was the same, though for certain reasons some manufacturers may have sold more hats than others. We fail to see that the hatters did anything more than ordinary business competitors do when they try to divert business to themselves from other competitors by advertising. The hatters tried to divert the hat business to the products of union labor. Since their boycott neither obstructed nor decreased the total volume of trade, we fail to see how their action could be "a conspiracy in restraint of trade and commerce."

The Supreme Court in its decision specifically charges that the American Federation of Labor acting through its official organ and through its organizers declared a boycott.

THE COURT'S ERROR IN FACT.

The court is in error. The American Federation of Labor never indorsed or declared a boycott against the Loewe Company. In fact, no request for such action in any manner or form was ever made to the American Federation of Labor or its officers either directly or indirectly by the hatters or anyone else. The Loewe Company was never published on the "We don't patronize" list of the American Federationist. We invite the inspection of the files of the American Federationist and of our office records in proof of this. We feel it our duty in the interest of truth and accuracy to call public attention

to the error of the court in charging the American Federation of Labor with being a party to the action against the Loewe Company.

We can hardly believe that the Supreme Court itself realized the evil consequences which may follow this decision under its construction of the Sherman antitrust law, a construction never intended by Congress.

It may be like the falling pebble which dislodges the avalanche, bringing ruin and destruction upon all in its path. Should this be the result, it will follow from the nature and operation of the decision itself, not because of the protest of those affected.

We regard the members of the Supreme Bench as upright and incorruptible. We believe that in any decision handed down each judge honestly and conscientiously gives the opinion which he believes to be correct. We do not agree with those who charge the court with being influenced by sinister motives or under the domination of corporate influence.

But, while expressing our confidence in the integrity of the Supreme Court, we must also say that, being human, we do not consider it infallible in its judgments. We must accept them because, under our form of government, the Supreme Court is the highest legal tribunal. Right or wrong, there is no appeal from its decision. It is true that this is the only country possessing such a tribunal, and it is a subject for serious speculation whether we might not do better under some other form of procedure; but such speculation is useless so far as the immediate future is concerned.

We are proud of the institutions of our country and try to uphold them with all our power, but we do protest against the assumption of lawmaking power by the courts. In assuming such functions they invade the sphere of the legislative and executive, which must necessarily result injuriously to the very fabric of our Republic. Such action by the courts not being contemplated by the Constitution, there are no safeguards, no checks, as to what may be attempted. This assumption of power, even under the guise of construing existing law, is none the less dangerous, for decision of the court then becomes a law without the people ever having had an opportunity to take any part in the making or rejecting of it.

We trust it will not be considered lese majeste if we say that in our opinion the Supreme Court in this and other recent decisions affecting labor tends to revert to medieval procedure rather than make the application of legal principles to present the industrial situation. The conditions with all their complications are here and not of our making. Why should our highest tribunal ignore them and plunge the people into confusion and distress?

However, it is not so wonderful that the court takes this attitude.

The lifelong environment of the respected gentlemen who compose the Supreme Bench has been such that they have not been brought into personal contact with industrial problems. On the contrary, their associations have been largely with business and financial men and affairs. Naturally a man absorbs most of his point of view from his environment. It is quite understandable to us that justices of the Supreme Court should have little knowledge of modern industrial conditions and less sympathy with the efforts of the wage-workers to adapt themselves to the marvelous revolution which has taken place in industry in the past half century.

The language of the Hatters' decision makes it clear that the Supreme Court has not informed itself on modern economics. In its opinion the rights of hats seem to be greater than the rights of man. It seems to regard a hat as a sacred emblem of the rights of property; hence its protection is imperative. No effort, however, is made to protect the right of man to a fair return for his labor and the opportunity to labor under the prevailing conditions. In fact this decision goes to an unheard-of length in punishing the workers for the exercise of their rights.

We regret exceedingly that this is so. While again expressing our belief in the integrity of the court, we yet are convinced that it is the duty of this high tribunal to inform itself of the great principles underlying the economic conditions of our time. Were its members to do this, we believe they would perceive that a labor union can neither be a trust nor subject to trust laws. The decision refers to a book which seems to have suggested certain views. We would suggest that the members of the court read the chapter entitled "Some equivocal rights of labor," from the book Moral Overstrain, by George W. Alger. It will disclose the difference between essential remedies to relieve wrongs and the academic (?) rights which avail the workers nothing. While the union is not specifically declared a trust under this application of the Sherman Act, yet the Supreme Court construes for the punishment of the unions a law which was only intended to apply to illegal trusts. The wording of the law permits the penalty to attach whether the union is considered a trust, "or otherwise," so we can take our choice as to the nomenclature, but the penalties apply in any case.

From the fact that labor unions are declared punishable under trust penalties we feel that we should again point out how widely different is a labor union from a trust—for upon these vital and fundamental differences of the two are based the main reasons for our protest.

ORGANIZED LABOR NOT A TRUST.

The labor union is not a trust; none of its achievements in behalf of its members—and society at large—can properly be confounded with the pernicious and selfish activities of the illegal trust. A trust, even at its best, is an organization of the few to monopolize the production and control the distribution of a material product of some kind. The voluntary association of the workers for mutual benefit and assistance is essentially different. Even if they seek to control the disposition of their labor power, it must be remembered that the power to labor is not a material commodity.

There can not be a trust in something which is not yet produced.

The human power to produce is the antithesis of the material commodities which become the subject of trust control.

From its very nature the labor union can not be regarded as a trust, yet the Supreme Court seems not to have considered this vital distinction in arriving at its decision.

Public opinion is practically unanimous in recognizing the union as one of the most essential means of securing for the workman his rights, protecting him against injustice, and putting him in touch with all the best thought and most advanced movements of ethical forces of civilization.

The aims and purposes of our labor movement have often been stated before, but will bear brief restatement at this time, when the attempt is being made in many directions to so cripple the activities of our unions that they may be shorn of their usefulness.

Our unions aim to improve the standard of life, to uproot ignorance, and foster education; to instill character, manhood, and independent spirit among our people; to bring about a recognition of the interdependence of man upon his fellow-man. We aim to establish a normal workday, to take the children from the factory and workshop and give them the opportunity of the school, the home, and the playground. In a word, our unions strive to lighten toil, educate their members, make their homes more cheerful, and in every way contribute an earnest effort toward making life the better worth living. To achieve these praiseworthy ends we believe that all honorable and lawful means are both justifiable and commendable and should receive the sympathetic support of every right-thinking American.

If the workers are to be deprived of their opportunities for self-improvement and independence; if they are to be held at the will of the employer—and if this decision is enforced such might be the consequence—the industrial condition of our country would sink lower than that of slavery.

The slave owner was usually restrained from going to extremes in the treatment of his slaves by the fact that they represented property value to him, but if the industrial situation ensues indicated by this court decision, the wageworkers would be more under the control of the unscrupulous employer than was the slave under his owner.

We do not believe that the conscience and sense of justice of a large majority of employers will permit them to take advantage of the conditions possible under this decision. We believe that they and all good citizens will join with us in the earnest attempt to secure a remedy from Congress; but there is always the selfish, avaricious, conscienceless type of employer, and it gives us cause to think of the hardships and persecutions which such employers might inflict when their rapacity has the protection of a decree such as this recent one delivered by the Supreme Court.

At the time the Sherman antitrust law was passed we warned our members and the public that it was so drawn that we feared a construction would be read into it so as to apply it to our unions instead of to the trusts which it was intended to restrain.

The event which we feared has come to pass. The law has long been admitted to be of no value in restraining or really punishing trusts. Useless as an instrument of good, it has now been made an instrument of positive mischief, and perverted from its original intent.

We know the Sherman law was intended by Congress to punish illegal trusts and not the labor unions, for we had various conferences with Members of Congress while the Sherman Act was pending, and remember clearly that such a determination was stated again and again.

The judges of the Supreme Court should be aware of this, for

the legislation has been enacted within their knowledge and memory. While not expecting infallibility on the part of the court, we do think it should acquire and act upon current information as to the intent of such an act as the Sherman antitrust law.

We would have supposed that the debates upon this subject in Congress would have had some weight in assisting judicial interpretation of application of the law. It apparently did, but in a most misleading way. In this decision the court says that some effort was made when the Sherman Act was pending in Congress to exclude organized labor and agricultural labor from its operation, but because such a clause was not made a specific part of the law the Supreme Court seems to find its justification for now applying it to organized labor.

BRIEF HISTORY OF SHERMAN ACT.

We believe that this view of the case is not supported by the facts in connection with the history of the Sherman antitrust law and the efforts made to amend it since its passage. We propose now to give this history at some length by quoting from the CONGRESSIONAL RECORD.

The antitrust bill was presented to the consideration of the Senate on February 28, 1890. The text of the bill contained but three sections in strict reference to corporation business. The bill was brought up from time to time by Senator Sherman, and it was just as often laid aside by other Senators. A substitute for the bill was introduced by the Committee on Finance on March 22, 1890, and on March 25 it was moved by Senator Morgan to commit the bill to the Judiciary Committee. His motion failed at that time on a vote of 16 yeas, 28 nays. The discussion of the bill continued as it was reported by the Finance Committee, and on the same day Senator Sherman offered a proviso at the end of the first section of the bill reported by the Committee on Finance. He said: "I take this proviso from the amendment proposed by the Senator from Mississippi, Mr. George. I do not think it necessary, but at the same time, to avoid any confusion, I submit it to come in at the end of the first section."

Thus showing that Senator Sherman believed that the bill without the amendment excluded the laboring and agricultural organizations from the operation of the act. Indeed, in conference, he so expressed himself to the writer.

Amendment: "*Provided*, That this act shall not be construed to apply to any arrangements, agreements, or combinations between the laborers, made with a view of lessening the number of hours of labor or the increasing of their wages; nor to any arrangements, agreements, or combinations among persons engaged in horticulture or agriculture, made with a view of enhancing the price of agricultural or horticultural products."

Some discussion was had upon this amendment by Senators Plumb, Sherman, Ingalls, TELLER, Turpie, and Blair, and the word "their" was added between the words "of" and "own," in the last line of the amendment, so as to make it read "the price of their own agricultural or horticultural products," and with this single addition the amendment was agreed to.

Discussions continued, and on the following day, March 26, Senator Stewart, of Nevada, said:

"The original bill has been very much improved, and one of the great objections has been removed from it by the amendment offered by Senator Sherman, which relieves the class of persons who would have been first prosecuted under the original bill without the amendment. I am very much gratified that the Senator offered the amendment and that the Senate adopted it. The bill ought now, in some respects, to be satisfactory to every person who is opposed to the oppression of labor and desires to see it properly rewarded."

This amendment to the act was made while the Senate was sitting in Committee of the Whole.

The Senate resumed consideration of the bill on March 27, and when the amendment just referred to was reached, Senator Sherman rose and said: "That is an amendment offered by the Senator from Rhode Island [Mr. ALDRICH], and I call the attention of the Senate to it. In my judgment this amendment practically fritters away the substantial elements of this bill." Senator Blair corrected Senator Sherman and told him that the amendment referred to was one offered by himself and not by the Senator from Rhode Island.

A discussion followed, in which Senator Edmunds, of Vermont, participated. He opposed the amendment, but in the course of his remarks said:

"Well, here we are! I do not blame the farmers of the United States at all. On the contrary, I support them when everybody is turned against their interests in organizing themselves to defend them. But if capital and manufacturing industries begin to regulate, to repress, and diminish below what it ought to be the price of all labor everywhere that is engaged in that kind of business, labor must organize to defend itself."

Senator Hoar, of Massachusetts, followed Senator Edmunds in the discussion upon this amendment as it offered to protect labor.

"I wish to state in one single sentence my opinion in regard to this particular provision. The Senator from Vermont thinks that the applying to laborers in this respect a principle which was not applied to persons engaged in the large commercial transactions which are chiefly affected by this bill was indefensible in principle. Now, it seems to me that there is a very broad distinction, which, if borne in mind, will warrant not only this exception to the provisions of the bill, but a great deal of other legislation which we enact or attempt to enact relating to the matter of labor. When you are providing to regulate the transactions of men who are making corners in wheat, iron, and other products, speculating or when they are lawfully dealing with them without speculation, you are aiming at a mere commercial transaction, the beginning and the end of which is the making of money for the parties and nothing else. That is the only relation that transaction has to the state, but is the creation or division of much of the ownership of the wealth of the community, but when the laborer is trying to raise his wages, or is endeavoring to shorten the hours of his labor, he is dealing with something that touches closely, more closely than anything else, the government and the character of the state itself. The laborer who is engaged lawfully and usefully and accomplishes his purpose, in whole or in part, endeavoring to raise the standard of wages is engaged in the occupation the success of which makes republican government itself possible, and without which the republic can not, in substance, however it may in formation, continue to exist.

"I hold, therefore, that as legislators we may constitutionally, properly, and wisely allow laborers to make associations, combinations, contracts, agreements for the sake of maintaining in advance their wages, in regard to which, as a rule, their contracts are to be made with large corporations who are themselves but an association or combination of capital on the other side. When we are promoting and even encouraging that, we are promoting and encouraging what is not only lawful, wise, and profitable, but absolutely essential to the existence of the Commonwealth itself."

Further discussion followed, and Senator Walthall, of Mississippi, moved to refer the bill and the amendment to the Committee on the Judiciary, with instructions to report within twenty days, which carried by a vote of 31 yeas, 28 nays.

On April 2 the bill was reported out by the Committee on the Judiciary, but the amendment agreed to in Committee of the Whole was not included.

Though at the time we doubted the wisdom of that amendment being omitted, we were assured by several that under the reconstructed bill labor and agricultural organizations were not included.

On April 8 the bill passed the Senate as reported by the Committee on the Judiciary by a vote of 52 yeas, 1 nay. It passed the House on June 21, 1890, and was approved July 2, 1890.

In the Fifty-sixth Congress a bill was introduced known as H. R. 10539, intended to amend the Sherman antitrust law. During its consideration by the House Committee on the Judiciary, representatives of the American Federation of Labor requested the adoption of the following amendment:

"Nothing in this act shall be so construed as to apply to trade unions or other labor organizations organized for the purpose of regulating wages, hours of labor, or other conditions under which labor is to be performed."

The committee declined to accept this amendment; but when the bill was reported to the House, Representative Terry made the motion to adopt the amendment, which was agreed to, and the bill as amended passed the House by a vote of 259 yeas and 9 nays.

The bill then went to the Senate, but no action was taken; therefore it died on the expiration of that Congress.

Yet no one will pretend to say that both these quoted provisions excluding labor from the operation of the law were not the expression of the separate judgment of the Senate and of the House of Representatives, though not jointly enacted.

Does not this brief review of the history of legislation upon the subject of the Sherman Act clearly indicate what Congress had in mind when it enacted this legislation? And yet the Supreme Court assumes that, because both Houses did not jointly adopt a specific provision excluding the labor organizations from the operations of the antitrust laws, therefore they were included.

We must protest against the penalizing of the labor unions

under the carelessly worded provisions of an antitrust law, which we understand since the court's decision has resulted in the grand jury of New Orleans indicting seventy-two workmen under its provisions, while at the same time the most vicious and rapacious trusts flourish and wax great upon the "restraint of trade and commerce" which they are able to exert, yet not all the machinery of our Government or of courts seems adequate to bring these real trust offenders to the place where the Sherman antitrust law really applies to them. In the confusion caused by this misapplication of the Sherman law to the labor unions, the illegal and vicious trusts are likely to still further escape punishment. Thus they may profit by the injustice done to labor.

The trend of legislation in civilized countries, including our own, has been to remove the associated efforts of the wage-earners for their mutual and common protection from the ban of conspiracy or the implication that they are in unlawful restraint of trade. As a matter of fact, and laws have been passed by other countries and in our own specifically declaring that the organizations of workmen instituted for the purpose of regulating hours of labor and other conditions of employment and increasing wages were not to be held as conspiracies or organizations in restraint of trade.

CONGRESSIONAL RELIEF IMPERATIVE.

We expect that the present Congress will take prompt action to so amend or modify the Sherman law that there can be no question as to its application. We shall ask such enactment restoring the rights of unions and agricultural associations, so that the association of human beings for education and progress may never again be confounded with the sordid and material activities of trusts. We believe that the people as a whole will be with us in this effort.

And even should Congress grant the desired relief in this case we shall still advise the utmost political activity on the part of our workers and friends. This decision has shown us the necessity of eternal vigilance.

It is well that Congress is in session at the time this decision is handed down, for we can now make our appeal directly to it for relief. We confidently expect that Congress will appreciate the injustice which has been done directly to the workers and hence indirectly to all the people. We believe that Congress will understand how important a portion of the body politic is comprised by the workers and will grant us the attention and prompt action which the injury merits. Congress must of necessity declare itself either for or against us at this time, and should it fail to heed our request for justice we shall at once appeal to all the people to help us right our wrongs by electing Representatives pledged to the interests of the people.

Already some bills have been introduced seeking to amend the Sherman law. When a bill has been perfected which will remedy the injustice done to labor by the recent court decision, it will be presented to Congress for consideration and every effort made to press it to passage.

Instead of being disheartened by this decision of the Supreme Court our labor forces will only be cemented the more closely by the danger which threatens.

This decision will mean a greater awakening for labor than ever before. In fact we feel assured that the people as a whole will join with us in securing Representatives in Congress who will really represent the industrial, political, material interests of the masses. This work of safeguarding the interests and moral welfare of the workers and of all the people has already begun. It will be carried on with greater vigor since this decision shows the necessity of our being ably, firmly, clearly, and fully represented in Congress so that it will be impossible for the Supreme Court in future to ignore or misunderstand.

Our fellow-workers and the people as a whole will unite industrially and politically for the safeguarding and protecting of their interests. All need a more widespread knowledge of economic conditions and the trend of modern industry. In this effort we shall have the appreciation and assistance of all our people.

Another thing must not be forgotten. The union is a necessary and inevitable outgrowth of our modern industrial condition. To deny the union the exercise of its normal activities for the protection and advancement of its members and the advancement of society in general is to do a great injury to all the people.

This repression of right and natural activities is bound to finally break forth in violent form of protest, especially among the more ignorant of the people who, if penalized, as they may be under this decree, will feel great bitterness that they are deprived of the opportunity to improve their conditions by voluntary association.

LABOR NOT DISHEARTENED.

The work and methods of the trade unions and labor organizations are, by the very nature of their large numbers, an open book. All men may know the actions and the doings of the labor unions. The loyal labor papers publish broadcast the aims and progress of the labor movement. The unions appeal to the intelligence, the character, the manhood, the patriotism, and the humanity of the workers and our fellow-man for sympathetic and helpful cooperation. Do the opponents of labor organizations imagine that they can crush the spirit and independence of the men of labor?

Can they imagine themselves in the "Fool's Paradise" where they have succeeded in eliminating the organizations of labor from our public life and body politic, these unions which have done so much to protect and promote the rights and interest and well-being of the American workman? It is inconceivable, but were it at all possible and the organizations of labor driven out of existence, what then?

Does any one imagine that America's workers will submit to the injustice, the greed, and rapacity of unchecked corporate wealth without some form of resistance?

Kill the trade and labor unions of America; drive them out of existence by legislation and court decrees, and then each worker will be an irresponsible person, without association with his fellows, without opportunity for consultation, and without the constructive influence which open organization gives. Then will he seek his own redress in his own way.

Is such a chaotic condition desirable or preferable to the normal, rational, intelligent, peaceful organizations of labor of our time? We opine not. Such a condition must not and will not transpire.

The American labor movement is founded upon the inherent principles of justice and right. Its men are loyal—as loyal to the institutions of our Republic as can be found in any walk of life. The unions of labor have done so much for the material, moral, and social uplift of the toilers that they are indelibly impressed upon the hearts and minds, not only of the workers themselves but of every earnest, intelligent, liberty-loving, fair-minded citizen of our country.

The unions of labor will live. They can not be—they must not be—they will not be driven out of existence. Labor demands relief at the hands of Congress; demands it now.

It should be borne in mind that there is no law, aye, not even a court decision, compelling union men or their friends of labor to buy a Buck's stove or range. No, not even to buy a Loewe hat.

TO ORGANIZED LABOR AND FRIENDS.

It has seldom occurred that I have found it necessary to use the first person in addressing my fellow-workers and the people through the editorial columns of the American Federationist. What follows here refers to such an extraordinary circumstance and affects the labor organizations, their members, and our friends so fundamentally that I am impelled to address them in the most direct manner. The Supreme Court of the United States on February 3, 1908, rendered a decision in the case of the hat manufacturer Loewe against the United Hatters of North America, and decreed that the Loewe suit for threefold damages can be maintained under the Sherman antitrust law. The Supreme Court holds that the action of the hatters, as described in the complaint, is a combination "in restraint of trade or commerce among the several States" in the sense in which those words are used in the Sherman law.

A decision by the Supreme Court, the highest tribunal of the country, is law and must be obeyed, regardless of whether or not we believe the decision to be a just one.

We protest that the trade unions of the country should not be penalized under the provisions of the Sherman antitrust law. In fact, I know that Congress never intended the law to apply to the labor unions, but the Supreme Court rules that it shall apply to them; therefore, pending action by Congress to define our status and restore our rights by modifying or amending the Sherman law, there is no alternative for labor but to obey the mandate of the court.

Under this decision the publication of a "We don't patronize" list in the American Federationist, or any other publication, makes the organization and the individuals composing it liable to monetary damages and imprisonment (see sections 1, 2, and 7 of Sherman law quoted elsewhere). This being the case, I feel obliged to discontinue the "We don't patronize" list.

This course I pursue upon the advice of the legal counsel of the American Federation of Labor, as to the far-reaching character of the decision of the Supreme Court. This action is also advised by my colleagues of the executive council.

I have no words adequate to express the regret I feel at being obliged to take this action, especially as in the opinion of competent lawyers—and their opinion is shared by many other laymen as well as myself—this decision by the Supreme Court is unwarranted and unjust, but until Congressional relief can be obtained it must undoubtedly be binding upon us all. Were it only myself personally who might suffer, for conscience' sake I should not hesitate to risk every penalty, even unto the extreme, in defense of what I believe to be labor's rights. In this case of the adverse court decision, and indeed, in every other circumstance which may arise, I think those who know me do not question my loyalty, devotion, and willingness to bear fully any responsibility involved in the forwarding of the cause to which my life is pledged; but unfortunately, the terms of the decision are such that no one person, even though president of the American Federation of Labor and willing to assume entire responsibility, will be permitted to take upon himself the sole penalty of protest against what I and every member of every organization affiliated to the American Federation of Labor, and, indeed, every patriotic citizen must feel to be a most sweeping dragnet decision, making the natural and rational voluntary action of workmen unlawful and punishable by fine and imprisonment.

Personal willingness to bear the penalty would avail nothing in this instance to spare the other men of labor and our organizations from the penalties decreed to them by the Supreme Court; in fact, such an attempt on my part would involve a vast number of people who would be held equally responsible with me.

I would fail in performing my duty, though it is a painful one, did I not point out that under this decision each and every officer and member of every labor organization becomes liable for any violation of the decision by anyone, not only as to his organization but individually, to the extent of whatever his possessions may be.

I think our men of labor will agree with me that I have no right to expose them to the heavy penalty for disobedience under this decision of the Supreme Court.

I will say briefly here, as I do more fully editorially, that while obeying the decision of the court I feel most deeply that never in the history of our country has there been so serious an invasion of the rights and liberties of our people.

Under the court's construction of the Sherman law the voluntary and peaceful associations of labor that are organized for the uplifting of the workers, these unions, I say, are made the greatest offenders under the antitrust law.

It is almost unbelievable that our unions which perform so important a service in the interest of civilization and moral and material progress are to be accorded the treatment of malefactors. Yet the more carefully this decision is read the more absolutely clear does it become that our unions are to be penalized by it, as the most vicious of trusts were intended to be, yet the trusts still go unpunished.

I have a strong hope that Congress will promptly take heed of the injustice that has been done the workers, and will so amend or modify the Sherman antitrust law that the labor unions will be restored to the exercise of the powers and rights guaranteed to all our citizens under the Constitution.

It is not conceivable that Congress will turn a deaf ear to the rightful demand of the workers of the country for relief from this most amazing decision, but until such time as relief is assured, I am compelled, for the safety of our men of labor, to obey literally the decision of the Supreme Court; but this situation created by the court must be met. It will be met.

While abiding by this decision, I urge most strongly upon my fellow-unionists everywhere to be more energetic than ever before in organizing the yet unorganized, in standing together, in uniting and federating for the common good.

Be more active than ever before in using every lawful and honorable means, not only to secure relief from the present situation at the hands of Congress, but in the doing of everything which may promote the uplifting and noble work of our great cause of humanity. Like all great causes it must meet temporary opposition, but in the end it will accomplish all the more on account of the trials endured.

SAMUEL GOMPERS,
President American Federation of Labor.

[Editorial from American Federalist by President Samuel Gompers.]

The Supreme Court on January 23 decided that clause in the Erdman Act which provided that railroads might not discharge employees for belonging to a labor union was an interference with "feedom of contract." This means, in plain language, that corporations may have the freedom to blacklist men for being members of labor organizations.

Mark the inconsistency of the Supreme Court. In the hatters' case it declares that the boycott used by the workers is a conspiracy and punishable by heavy penalties. In the Adair case, brought under the Erdman Act, it gives a decision which will permit employers to use the blacklist as freely as they please and the wageworkers will have no redress.

Employers may use the blacklist, but wageworkers may not use the boycott. Both decisions are unjust to labor.

The boycott concerns only the manipulation of material products. The blacklist is the denial of the opportunity for a man to work. To blacklist a man—deny him the right to labor—is to deny him the right to live. Humanity was shocked at the discovery of the reconcentrado camps in Cuba, where the Spanish penned in their victims to die by slow starvation, before the Spanish war, yet the blacklist erects as real a barrier—though invisible—around the worker under its ban, and he is often equally condemned to the horrors of slow starvation for himself and his family. It must be remembered that the blacklisted man is often refused employment on any terms—and for what? Not that he is guilty of crime, but because he has associated with his fellows in a labor union. Much freedom of contract for the wageworkers forsooth under the operation of the blacklist!

We hope this decree will prove so repugnant to the country that no employer will be tempted to use it under the shield of the Supreme Court decision. It is another case for Congressional relief.

SUPREME COURT DECISION—DIETRICH LOEWE ET AL. V. MARTIN LAWLOR ET AL.

[February 3, 1908.]

On a writ of certiorari to the United States circuit court of appeals for the second circuit.

Mr. Chief Justice Fuller delivered the opinion of the court:

This was an action brought in the circuit court for the district of Connecticut under section 7 of the antitrust act of July 2, 1890, claiming threefold damages for injuries inflicted on plaintiffs by combination or conspiracy declared to be unlawful by the act.

Defendants filed a demurrer to the complaint, assigning general and special grounds. The demurrer was sustained as to the first six paragraphs, which rested on the ground that the combination stated was not within the Sherman Act, and this rendered it unnecessary to pass upon any other questions in the case; and, upon plaintiffs declining to amend their complaint, the court dismissed it with costs. (148 Fed. Rep., 924; and see 142 Fed. Rep., 216; 130 Fed. Rep., 633.)

The case was then carried by writ of error to the circuit court of appeals for the second circuit, and that court, desiring the instruction of this court upon a question arising on the writ of error, certified that question to this court. The certificate consisted of a brief statement of facts, and put the question thus: "Upon this state of facts, can plaintiffs maintain an action against defendants under section 7 of the antitrust act of July 2, 1890?"

After the case on certificate had been docketed here plaintiffs in error applied, and defendants in error joined in the application, to this court to require the whole record and cause to be sent up for its consideration. The application was granted, and the whole record and cause being thus brought before this court it devolved upon the court, under section 6 of the judiciary act of 1891, to "decide the whole matter in controversy in the same manner as if it had been brought there for review by writ of error or appeal."

The case comes up, then, on complaint and demurrer, and we give the complaint in the margin.

The question is whether upon the facts therein averred and admitted by the demurrer this action can be maintained under the antitrust act.

The first, second, and seventh sections of that act are as follows:

"1. Every contract, combination in the form of trust or otherwise, or conspiracy, in restraint of trade or commerce among the several States, or with foreign nations, is hereby declared to be illegal. Every person who shall make any such contract or engage in any such combination or conspiracy, shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by fine not exceeding $5,000, or by imprisonment not exceeding one year, or by both said punishments, in the discretion of the court.

"2. Every person who shall monopolize, or attempt to monopolize, or combine or conspire with any other person or persons, to monopolize any part of the trade or commerce among the several States, or with foreign nations, shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by fine not exceeding $5,000, or by imprisonment not exceeding one year, or by both said punishments, in the discretion of the court.

"7. Any person who shall be injured in his business or property by any other person or corporation, by reason of anything forbidden or declared to be unlawful by this act, may sue therefor in any circuit court of the United States in the district in which the defendant resides or is found, without respect to the amount in controversy, and shall recover threefold the damages by him sustained, and the costs of suit, including a reasonable attorney's fee."

In our opinion, the combination described in the declaration is a combination "in restraint of trade or commerce among the several States," in the sense in which those words are used in the act, and the action can be maintained accordingly.

And that conclusion rests on many judgments of this court, to the effect that the act prohibits any combination whatever to secure action which essentially obstructs the free flow of commerce between the States, or restricts, in that regard, the liberty of a trader to engage in business.

The combination charged falls within the class of restraints of trade aimed at compelling third parties and strangers involuntarily not to engage in the course of trade except on conditions that the combination imposes; and there is no doubt that (to quote from the well-known work of Chief Justice Erle on trade unions) "at common law every person has individually, and the public also has collectively, a right to require that the course of trade should be kept free from unreasonable obstruction." But the objection here is to the jurisdiction, because, even conceding that the declaration states a case good at common law, it is contended that it does not state one within the statute.

Thus, it is said, that the restraint alleged would operate to entirely destroy defendants' business and thereby include intrastate trade as well; that physical obstruction is not alleged as contemplated, and that defendants are not themselves engaged in interstate trade.

We think none of these objections are tenable, and that they are disposed of by previous decisions of this court.

United States *v.* Trans-Missouri Freight Association, 166 U. S., 290; United States *v.* Joint Traffic Association, 171 U. S., 505, and Northern Securities Company *v.* United States, 193 U. S., 197, hold in effect that the antitrust law has a broader application than the prohibition of restraints of trade unlawful at common law. Thus in the Trans-Missouri case it was said that, "assuming that agreements of this nature are not void at common law, and that the various cases cited by the learned courts below show it, the answer to the statement of their validity is to be found in the terms of the statute under consideration;" and in the Northern Securities case that "the act declares illegal every contract, combination, or conspiracy in whatever form, of whatever nature, and whoever may be the parties to it, which directly or necessarily operates in restraint of trade or commerce among the several States."

We do not pause to comment on cases such as United States *v.* Knight, 156 U. S., 1; Hopkins *v.* United States, 171 U. S., 578, and Anderson *v.* United States, Id., 604, in which the undisputed facts showed that the purpose of the agreement was not to obstruct or restrain interstate commerce. The object and intention of the combination determined its legality.

In Swift *v.* United States, 196 U. S., 395, a bill was brought against a number of corporations, firms, and individuals of different States, alleging that they were engaged in interstate commerce in the purchase, sale, transportation, and delivery, and subsequent resale at the point of delivery, of meats; and that they combined to refrain from bidding against each other in the purchase of cattle; to maintain a uniform price at which the meat should be sold; and to maintain uniform charges in delivering meats thus sold through the channels of interstate trade to the various dealers and consumers in other States. And that thus they artificially restrained commerce in fresh meats from the purchase and shipment of live stock from the plains to the final distribution of the meats to the consumers in the markets of the country.

Mr. Justice Holmes, speaking for the court, said:

"Commerce among the States is not a technical legal conception, but a practical one, drawn from the course of business. When cattle are sent for sale from a place in one State with the expectation that they will end their transit after purchase in another, and when in effect they do so, with only the interruption necessary to find a purchaser at the stock yards, and when this is a typical, constantly recurring course, the current thus existing is a current of commerce among the States, and the purchase of the cattle is a part and incident of such commerce.

* * * * * * *

"The general objection is urged that the bill does not set forth sufficient definite or specific facts. This objection is serious, but it seems to us inherent in the nature of the case. The scheme alleged is so vast that it presents a new problem in pleading. If, as we must assume, the scheme is entertained, it is, of course, contrary to the very words of the statute. Its size makes the violation of the law more conspicuous, and yet the same thing makes it impossible to fasten the principal fact to a certain time and place. The elements, too, are so numerous and shifting, even the constituent parts alleged are and from their nature must be so extensive in time and space that something of the same impossibility applies to them.

* * * * * * *

"The scheme as a whole seems to us to be within reach of the law. The constituent elements, as we have stated them, are enough to give to the scheme a body and, for all that we can say, to accomplish it. Moreover, whatever we may think of them separately, when we take them up as distinct charges, they are alleged sufficiently as elements of a scheme. It is suggested that the several acts charged are lawful and that intent can make no difference. But they are bound together as parts of a single plan. The plan may make the parts unlawful."

And the same principle was expressed in Aikens *v.* Wisconsin, 195 U. S., 194, involving a statute of Wisconsin prohibiting combinations "for the purpose of willfully or maliciously injuring another in his reputation, trade, business, or profession by any means whatever," etc., in which Mr. Justice Holmes said:

"The statute is directed against a series of acts, and acts of several, the acts of combining, with intent to do other acts. 'The very plot is an act in itself.' Mulcahy *v.* The Queen, L. R., 3, H. L., 306, 317. But an act, which in itself is merely a voluntary muscular contraction, derives all its character from the consequences which will follow it under the circumstances in which it was done. When the acts consist of making a combination calculated to cause temporal damage, the power to punish such acts, when done maliciously, can not be denied because they are to be followed and worked out by conduct which might have been lawful if not preceded by the acts. No conduct has such an absolute privilege as to justify all possible schemes of which it may be a part. The most innocent and constitutionally protected of acts or omissions may be made a step in a criminal plot, and if it is a step in a plot neither its innocence nor the Constitution is sufficient to prevent the punishment of the plot by law."

In Addyston Pipe and Steel Company *v.* United States, 175 U. S., 211, the petition alleged that the defendants were practically the only manufacturers of cast iron within thirty-six States and Territories; that they had entered into a combination by which they agreed not to compete with each other in the sale of pipe, and the territory through which the constituent companies could make sales was allotted between them. This court held that the agreement which, prior to any act of transportation, limited the prices at which the pipe could be sold after transportation, was within the law. Mr. Justice Peckham delivering the opinion, said: "And when Congress has enacted a statute such as the one in question, any agreement or combination which directly operates not alone upon the manufacture, but upon the sale, transportation, and delivery of an article of interstate commerce," by preventing or restricting its sale, etc., thereby regulates interstate commerce.

In Montague & Company *v.* Lowry, 193 U. S., 38, which was an action brought by a private citizen under section 7 against a combination engaged in the manufacture of tiles, defendants were wholesale dealers in tiles in California and combined with manufacturers in other States to restrain the interstate traffic in tiles by refusing to sell any tiles to any wholesale dealer in California who was not a member of the association except at a prohibitive rate. The case was a commercial boycott against such dealers in California as would not or could not obtain membership in the association. The restraint did not consist in a physical obstruction of interstate commerce, but in the fact that the plaintiff and other independent dealers could not purchase their tiles from manufacturers in other States because such manufacturers had combined to boycott them. This court held that this obstruction to the purchase of tiles, a fact antecedent to physical transportation, was within the prohibition of the act. Mr. Justice Peckham, speaking for the court, said, concerning the agreement, that it "restrained trade, for it narrowed the market for the sale of tiles in California from the manufacturers and dealers therein in other States, so that they could only be sold to the members of the association, and it enhanced prices to the nonmember."

The averments here are that there was an existing interstate traffic between plaintiffs and citizens of other States, and that for the direct purpose of destroying such interstate traffic defendants combined not merely to prevent plaintiffs from manufacturing articles then and there intended for transportation beyond the State, but also to prevent the vendees from reselling the hats which they had imported from Connecticut, or from further negotiating with plaintiffs for the purchase and intertransportation of such hats from Connecticut to the various places of destination. So that, although some of the means whereby the interstate traffic was to be destroyed were acts within a State and some of them were in themselves as a part of their obvious purpose and effect beyond the scope of Federal authority, still as we have seen, the acts must be considered as a whole, and the plan is open to condemnation, notwithstanding a negligible amount of intrastate business might be affected in carrying it out. If the purposes of the combination were, as alleged, to prevent any interstate transportation at all, the fact that the means operated at one end before physical transportation commenced and at the other end after the physical transportation ended was immaterial.

Nor can the act in question be held inapplicable because defendants were not themselves engaged in interstate commerce. The act made no distinction between classes. It provided that "every" contract, combination, or conspiracy in restraint of trade was illegal. The records of Congress show that several efforts were made to exempt by legislation organizations of farmers and laborers from the operation of the act, and that all these efforts failed, so that the act remained as we have it before us.

In an early case, United States *v.* Workingmen's Amalgamated Council (54 Fed. Rep., 994), the United States filed a bill under the Sherman act in the circuit court for the eastern district of Louisiana, averring the existence of "a gigantic and widespread combination of the members of a multitude of separate organizations for the purpose of restraining the commerce among the several States and with foreign countries" and it was contended that the statute did not refer to combinations of laborers. But the court, granting the injunction, said:

"I think the Congressional debates show that the statute had its origin in the evils of massed capital; but, when the Congress came to formulating the prohibition, which is the yardstick for measuring the complainant's right to the injunction, it expressed it in these words: 'Every contract or combination in the form of trust, or otherwise in restraint of trade or commerce among the several States or with foreign nations, is hereby declared to be illegal.' The subject had so broadened in the minds of the legislators that the source of the evil was not regarded as material, and the evil in its entirety is dealt with. They made the interdiction include combinations of labor as well as of capital; in fact, all combinations in restraint of commerce, without reference to the character of the persons who entered into them. It is true this statute has not been much expounded by judges, but, as it seems to me, its meaning, as far as relates to the sort of combinations to which it is to apply, is manifest and that it includes combinations which are composed of laborers acting in the interest of laborers."

* * * * * * *

"It is the successful effort of the combination of the defendants to intimidate and overawe others who were at work in conducting or carrying on the commerce of the country, in which the court finds their error and their violation of the statute. One of the intended results of their combined action was the forced stagnation of all the commerce which flowed through New Orleans. This intent and combined action are none the less unlawful because they included in their scope the paralysis of all other business within the city as well."

The case was affirmed on appeal by the circuit court of appeals for the fifth circuit. (57 Fed. Rep., 85.)

Subsequently came the litigation over the Pullman strike and the decisions In re Debs (64 Fed. Rep., 724, 745, 755; 158 U. S., 564). The bill in that case was filed by the United States against the officers of the American Railway Union, which alleged that a labor dispute existed between the Pullman Palace Car Company and its employees; that thereafter the four officers of the railway union combined together and with others to compel an adjustment of such dispute by creating a boycott against the cars of the car company; that to make such boycott effective they had already prevented certain of the railroads running out of Chicago from operating their trains; that they asserted that they could and would tie up, paralyze, and break down any and every railroad which did not accede to their demands, and that the purpose and intention of the combination was "to secure unto themselves the entire control of the interstate, industrial, and commercial business in which the population of the city of Chicago and of other communities along the lines of road of said railways are engaged with each other, and to restrain any and all other persons from any independent control or management of such interstate, industrial, or commercial enterprises, save according to the will and with the consent of the defendants."

The circuit court proceeded principally upon the Sherman antitrust law, and granted an injunction. In this court the case was rested upon the broader ground that the Federal Government had full power over interstate commerce and over the transmission of the mails, and in the exercise of those powers could remove everything put upon highways, natural or artificial, to obstruct the passage of interstate commerce or the carrying of the mails. But in reference to the antitrust act the court expressly stated:

"We enter into an examination of the act of July 2, 1890 (c. 647, 26 Stat., 209), upon which the circuit court relied mainly to sustain its jurisdiction. It must not be understood from this that we dissent from the conclusions of that court in reference to the scope of the act, but simply that we prefer to rest our judgment on the broader ground which has been discussed in this opinion, believing it of importance that the principles underlying it should be fully stated and affirmed."

And in the opinion Mr. Justice Brewer, among other things, said:

"It is curious to note the fact that in a large proportion of the cases in respect to interstate commerce brought to this court the question presented was of the validity of State legislation in its bearings upon interstate commerce, and the uniform course of decision has been to declare that it is not within the competency of a State to legislate in such a manner as to obstruct interstate commerce. If a State, with its recognized powers of sovereignty, is impotent to obstruct interstate

commerce, can it be that any mere voluntary association of individuals within the limits of that State has a power which the State itself does not possess?"

The question answers itself, and in the light of the authorities the only inquiry is as to the sufficiency of the averments of fact. We have given the declaration in full in the margin, and it appears therefrom that it is charged that defendants formed a combination to directly restrain plaintiffs' trade; that the trade to be restrained was interstate; that certain means to attain such restraint were contrived to be used and employed to that end; that those means were so used and employed by defendants, and that thereby they injured plaintiffs' property and business.

At the risk of tediousness, we repeat that the complaint averred that plaintiffs were manufacturers of hats in Danbury, Conn., having a factory there, and were then and there engaged in an interstate trade in some twenty States other than the State of Connecticut; that they were practically dependent upon such interstate trade to consume the product of their factory, only a small percentage of their entire output being consumed in the State of Connecticut; that at the time the alleged combination was formed they were in the process of manufacturing a large number of hats for the purpose of fulfilling engagements then actually made with consignees and wholesale dealers in States other than Connecticut, and that if prevented from carrying on the work of manufacturing these hats they would be unable to complete their engagements.

That defendants were members of a vast combination called The United Hatters of North America, comprising about 9,000 members and including a large number of subordinate unions, and that they were combined with some 1,400,000 others into another association known as the American Federation of Labor, of which they were members, whose members resided in all the places in the several States where the wholesale dealers in hats and their customers resided and did business; that defendants were "engaged in a combined scheme and effort to force all manufacturers of fur hats in the United States, including the plaintiffs, against their will and their previous policy of carrying on their business, to organize their workmen in the departments of making and finishing, in each of their factories, into an organization, to be part and parcel of the said combination known as The United Hatters of North America, or as the defendants and their confederates term it, to unionize their shops, with the intent thereby to control the employment of labor in and the operation of said factories, and to subject the same to the direction and control of persons, other than the owners of the same, in a manner extremely onerous and distasteful to such owners, and to carry out such scheme, effort, and purpose by restraining and destroying the interstate trade and commerce of such manufacturers by means of intimidation of and threats made to such manufacturers and their customers in the several States, of boycotting them, their product, and their customers, using therefor all the powerful means at their command as aforesaid, until such time as, from the damage and loss of business resulting therefrom, the said manufacturers should yield to the said demand to unionize their factories."

That the conspiracy or combination was so far progressed that out of 82 manufacturers of this country engaged in the production of fur hats 70 had accepted the terms and acceded to the demand that the shop should be conducted in accordance, so far as conditions of employment were concerned, with the will of the American Federation of Labor; that the local union demanded of plaintiffs that they should unionize their shop under peril of being boycotted by this combination, which demand defendants declined to comply with; that thereupon the American Federation of Labor, acting through its official organ and through its organizers, declared a boycott.

The complaint then thus continued:

"20. On or about July 25, 1902, the defendants individually and collectively, and as members of said combinations and associations, and with other persons whose names are unknown to the plaintiffs, associated with them, in pursuance of the general scheme and purpose aforesaid, to force all manufacturers of fur hats, and particularly the plaintiffs, to so unionize their factories, wantonly, wrongfully, maliciously, unlawfully, and in violation of the provisions of the act of Congress approved July 2, 1890, and entitled 'An act to protect trade and commerce against unlawful restraints and monopolies,' and with intent to injure the property and business of the plaintiffs by means of acts done which are forbidden and declared to be unlawful by said act of Congress, entered into a combination and conspiracy to restrain the plaintiffs and their customers in States other than Connecticut in carrying on said trade and commerce among the several States and to wholly prevent them from engaging in and carrying on said trade and commerce between them and to prevent the plaintiffs from selling their hats to wholesale dealers and purchasers in said States other than Connecticut, and to prevent said dealers and customers in said other States from buying the same and to prevent the plaintiffs from obtaining orders for their hats from such customers and filling the same and shipping said hats to said customers in said States as aforesaid and thereby injure the plaintiffs in their property and business and to render unsalable the product and output of their said factory, so the subject of interstate commerce, in whosoever's hands the same might be or come, through said interstate trade and commerce, and to employ as means to carry out said combination and conspiracy and the purposes thereof and accomplish the same, the following measures and acts, viz.:

"To cause, by means of threats and coercion, and without warning or information to the plaintiffs, the concerted and simultaneous withdrawal of all the makers and finishers of hats then working for them, who were not members of their said combination, The United Hatters of North America, as well as those who were such members, and thereby cripple the operation of the plaintiffs' factory, and prevent the plaintiffs from filling a large number of orders then on hand, from such wholesale dealers in States other than Connecticut, which they had engaged to fill and were then in the act of filling, as was well known to the defendants; in connection therewith to declare a boycott against all hats made for sale and sold and delivered, or to be so sold or delivered, by the plaintiffs to said wholesale dealers in States other than Connecticut, and to actively boycott the same and the business of those who should deal in them, and thereby prevent the sale of the same by those in whose hands they might be or come through said interstate trade in said several States; to procure and cause others of said combinations united with them in said A. F. of L. in like manner to declare a boycott against and to actively boycott the same and the business of such wholesale dealers as should buy or sell them, and of those who should purchase them from such wholesale dealers; to intimidate such wholesale dealers from purchasing or dealing in the hats of the plaintiffs by informing them that the A. F. of L. had declared a boycott against the product of the plaintiffs and against any dealer who should handle it, and that the same was to be actively pressed against them, and by distributing circulars containing notices that such dealers and their customers were to be boycotted; to threaten with a boycott those customers who should buy any goods whatever, even though union made, of such boycotted dealers, and at the same time to notify such wholesale dealers that they were at liberty to deal in the hats of any other nonunion manufacturer of similar quality to those made by the plaintiffs, but must not deal in the hats made by the plaintiffs under threats of such boycotting; to falsely represent to said wholesale dealers and their customers, that the plaintiffs had discriminated against the union men in their employ, had thrown them out of employment because they refused to give up their union cards and teach boys, who were intended to take their places after seven months' instruction, and had driven their employees to extreme measures 'by their persistent, unfair, and un-American policy of antagonizing union labor, forcing wages to a starvation scale, and given boys and cheap, unskilled foreign labor preference over experienced and capable union workmen,' in order to intimidate said dealers from purchasing said hats by reason of the prejudice thereby created against the plaintiffs and the hats made by them among those who might otherwise purchase them; to use the said union label of said The United Hatters of North America as an instrument to aid them in carrying out said conspiracy and combination against the plaintiffs' and their customers' intertrade aforesaid, and in connection with the boycotting above mentioned, for the purpose of describing and identifying the hats of the plaintiffs and singling them out to be so boycotted; to employ a large number of agents to visit said wholesale dealers and their customers, at their several places of business, and threaten them with loss of business if they should buy or handle the hats of the plaintiffs, and thereby prevent them from buying said hats, and in connection therewith to cause said dealers to be waited upon by committees representing large combinations of persons in their several localities to make similar threats to them; to use the daily press in the localities where such wholesale dealers reside, and do business, to announce and advertise the said boycotts against the hats of the plaintiffs and said wholesale dealers, and thereby make the same more effective and oppressive, and to use the columns of their said paper, The Journal of the United Hatters of North America, for that purpose, and to describe the acts of their said agents in prosecuting the same."

And then followed the averments that the defendants proceeded to carry out their combination to restrain and destroy interstate trade and commerce between plaintiffs and their customers in other States by employing the identical means contrived for that purpose; and that by reason of those acts plaintiffs were damaged in their business and property in some $80,000.

We think a case within the statute was set up and that the demurrer should have been overruled.

Judgment reversed and cause remanded with a direction to proceed accordingly.

Mr. SULZER. Mr. Chairman, that decision is the supreme law of the land, and a cynic has recently defined "the supreme law of the land" to be the last guess of the United States Supreme Court. In my opinion there is a great distinction between the legal responsibility of a corporation and a trades union. They differ widely. A corporation is an artificial person created by law, and what the State creates the State has a right to regulate. The trades union is a voluntary association of free individuals possessed of the same rights of action as belong to individuals and destitute of corporate rights and corporate responsibility. The judges and lawyers of England and America invented for labor unions the rule of corporate responsibility and sought to punish their acts as conspiracies in restraint of trade. This legal notion the English statute expressly abolished and made it lawful for an association of workingmen to do whatever is legal for an individual workingman to do. This wise legislation has been embodied in the laws of Pennsylvania, Michigan, and other enlightened Commonwealths. It has not yet been adopted by the Congress, but I feel confident that it will be and ought to be before this session adjourns, and then it must be recognized by the Supreme Court of the United States.

Mr. Chairman, just a few words more. I want to say that I am now, always have been, and always expect to be the friend of the toilers of the country. Anything I can ever do, in Congress or out of Congress, to promote their interests and protect their rights I shall do cheerfully. I believe in the rights of man and in the dignity of labor. All that we are and all that we hope to be we owe to the workers of our country. This decision of the Supreme Court seems to regard the rights of hats as superior to the rights of man. In my opinion a labor union or a trades union organized to promote the interests and protect the rights of labor is not a trust, never was a trust, and never will be a trust, in the true contemplation and construction of the provisions of the so-called "antitrust act of 1890." I shall not at this time, however, discuss this matter in detail. Mr. Gompers has done that in a masterful way, and my object in taking the floor to-day was for the purpose of placing his views regarding this sweeping decision in the CONGRESSIONAL RECORD; and I trust that the legislation now demanded by the American Federation of Labor in this connection and in other matters of moment may be enacted into laws before this session of Congress adjourns. Labor appeals to us now from one end of the country to the other. The question of the hour is, Will the Congress hear? Will the Congress heed? Will the Congress respond?

Mr. BOWERS. I yield thirty minutes to the gentleman from Arkansas [Mr. BRUNDIDGE].

Mr. BRUNDIDGE. Mr. Chairman, this being the long session of Congress, it is but natural and right that it should be expected to give due consideration to all matters of general legislation, and then to enact such laws as are demanded and needed by the country. But a very different policy from this we are given to understand has been agreed upon, which is that we are to hurry to their passage the appropriation bills, let all other legislation go, and adjourn not later than the 15th of May or sooner if possible. If this programme is to be carried out, and I doubt not but what it will be, it is significant in its meaning, for it means that all the needed legislation must necessarily wait until the next long session, which will be two years in the future.

No Congress ever had a better opportunity to pass both needed and beneficial legislation than this one has. Conditions seem to be exactly right, and they demand immediate action and not delay. From the Dakotas to Texas and from California to New York we have been overwhelmed with petitions, resolutions, and private letters from boards of trade, trades unions, farmers' unions, partnerships, and private citizens asking Congress to pass such laws as the business conditions and the industrial development of the country demand.

In addition to these the President has already sent us three messages, and I understand he is now busily engaged in the preparation of the fourth, which will be sent in in the next few days, urging Congress to pass needed laws. The greater part of the laws asked for in these messages are good and ought to be enacted. And if we persist in adjourning without passing them I sincerely hope that he will call an extra session before we get out of town, although I confess that I do not think he will do it. The future student of history will not waste much time in finding out what the first session of the Sixtieth Congress accomplished, but will find it a very interesting study to note the great number of things it left undone. Let me call attention to some of them, and my time will only permit me to do so briefly.

It is now plain that we are to have no river and harbor bill this Congress, and no money is to be appropriated for the improvement of our rivers and harbors this year. That this much-needed improvement is to be thus neglected is to be generally regretted, for never before has there been such a universal demand for river improvement as there is now from every quarter. There seems to be an enthusiasm and desire for river improvement never before known. The demand is to improve our rivers and thereby give us cheaper and better transportation facilities for our rapidly increasing productions. On the 26th of February the President sent a special message to Congress urging the necessity for river improvement, not next year or at some time in the future, but now, he says.

The report of the Waterways Commission, which he at the time transmitted, certainly shows the necessity for paying some attention to the message and its recommendations. It is shown by this report that we now have 25,000 miles of navigable rivers and 25,000 miles more that could be made navigable by proper improvement, not including canals and bays. With this splendid showing as to the number and length of these great natural highways of commerce, the startling information is given that while our rivers are the best, yet they are at the same time less used and more generally neglected than are those of any other civilized country in the world. Our attention is also called to the fact that much of the money heretofore appropriated for river improvement has been wasted, because of the fact that a sufficient sum had not been given to carry on successfully the work undertaken.

Nowhere can this almost criminal neglect of waterway improvement be more clearly shown and demonstrated than in my own State. The State of Arkansas has almost, if not quite, as many miles of navigable rivers as has any State in the Union. Yet the sum annually expended for their improvement by the Government is so small that Congress and everybody connected with it ought to be ashamed of it.

We are not even permitted to have an engineer to reside in the State, and all estimates made and submitted to the War Department and to Congress as to the character of the improvements to be made, and the amount of money to be expended therefor, must be made by an engineer who resides in another State.

The efforts of the entire delegation of the State to have a competent engineer sent to Little Rock have been unavailing, and we must still wait to see how much longer this injustice is to continue.

The next important legislation we are neglecting is the failure to pass a drainage bill. If one should be passed, as it ought to be, it would just now serve a double purpose. It would serve primarily to aid in navigation and greatly benefit the public health, and it would serve, in the second place, to redeem in many of our States thousands and hundreds of thousands of acres of the most fertile and valuable lands they have in them; would convert them from worthless, valueless swamps into magnificent farms and plantations. These lands would find their way upon the tax books and would aid in bearing the burdens of taxation in the different States and would add untold millions to the permanent and lasting wealth of this country.

We are further confronted with the fact that we are to have no employers' liability act passed. And this is another one of the pressing necessities for legislation that the President has called the attention of Congress to in one of his special messages and one I think that ought to be acted upon. For when we remember how difficult it is in the several States to have a good and sufficient employers' liability act passed by the State legislature, for the reason that the railroad companies have generally been enabled by some influence or in some manner to prevent it, it does seem to me that it is high time that Congress should set the splendid example by passing the act the President has asked to have passed, and yet everybody now knows that we are not even going to be given an opportunity to consider such a bill.

It is also a matter of common knowledge that there will be no public buildings bill this year, or if there is one, it is to be a very small and insignificant affair. My information is that there are bills pending before this Congress asking for public buildings in the different States that would require an expenditure of something like $80,000,000, and they, too, are not to be considered.

Towns and cities are to-day suffering for the lack of adequate and suitable public buildings. Communities without number are to-day deprived of a decent post-office building from which to get their mail and must continue to go to buildings which are inadequate, unsanitary, crowded to overflowing, and totally insufficient, but they must endure the ills and wrongs for two more years at least, for Congress wants to make a record this year for economy. Therefore we can have no public buildings bill.

Likewise it is reasonably certain that there will be no kind of legislation in behalf of labor. Some of their demands at least are meritorious and ought to be granted. For instance, the frequent and indiscriminate use and abuse of the injunction power by the Federal judiciary ought to be regulated and controlled and made so as to apply only to cases of violations of the law, and never used where it becomes the means of oppression and a menace to personal rights, individual liberty, and freedom.

The President has also asked that the power of the Interstate Commerce Commission be increased, to enable them more effectively to regulate and control railroad traffic, to correct existing abuses, and prevent, if possible, discriminations, not only in the matter of rates charged but also unreasonable and unjust delays in the handling of freight and furnishing cars; but this, like the rest, must wait two years more, or even longer, and the chances are good for a greater delay.

Finally, I presume that no man now believes that there is to be any currency legislation that will be of any benefit to the country. And after listening with much interest to the speech of the learned gentleman from Illinois [Mr. PRINCE], who has just concluded his remarks, I have thoroughly reached the conclusion that, while the Senate may pass the Aldrich bill, the House will reject it. And should the House pass the Fowler bill, it will meet its defeat in the Senate. With this action I am not displeased, for I am convinced that both of these bills are in the sole interest of the national banks and would be of no benefit or advantage to anyone else. If these bills, especially the Fowler bill, should pass, it would be the sounding of the death knell to all State banks and would compel them to retire from business, leaving the national banks entirely in control of all the currency of the country, a condition not desired and earnestly hoped will never occur.

But whatever else may be said of the present agitation of the money question, at least some good has been the result of it. For instance, the entire country has been brought to a realization of the fact that we now have the worst currency system in the world, and we are fast beginning to realize that the sooner the present partnership and unholy alliance existing between the United States Government and the national banks is dissolved the better for everybody concerned, except the banks. Under existing law a national bank must own an interest-bearing Government bond before it can issue bank notes, but when it does own such a bond it has the right, and has had ever since the currency law of March 14, 1900, to issue the full amount of that bond in notes that circulate as money, and from the very moment of the issue of these notes the bank is placed in the advantageous position of drawing interest both ways or drawing double interest on the amount invested in

the bond. First, it draws interest from the Government on the bond in a sum ranging from 2 to 4 per cent per annum, and, second, it draws interest from the people on the bank notes in a sum ranging from 8 to 10 per cent per annum; hence it is but natural that the banks should have a fondness for interest-bearing Government bonds and continue their desire to own them, as is shown by their increased holdings of the same from year to year. As evidence of this fact I shall here insert a letter and statement which I have only recently received from the Comptroller of the Currency, showing this phenomenal increase for the past four years. The letter is as follows:

TREASURY DEPARTMENT,
Washington, February 25, 1908.

Hon. S. BRUNDIDGE, Jr., M. C.
House of Representatives.

SIR: Your letter of the 24th instant, addressed to the Secretary of the Treasury, is referred to this office. In compliance with the request therein the following information in connection with bonds on deposit by national banks to secure circulation is furnished:.

	February 28, 1905.	February 28, 1906.	February 28, 1907.	February 25, 1908.
2 per cent, 1930	$429,024,300	$499,104,000	$495,820,700	$563,818,850
3 per cent	2,527,540	1,958,240	4,398,020	9,797,020
4 per cent	10,236,300	10,784,200	35,709,150	16,675,750
P. O., 2 per cent			17,028,080	34,459,280
Certificates, 3 per cent				15,436,500
Total	441,788,140	511,846,440	552,955,950	640,187,400

Respectfully,

T. P. KANE,
Deputy Comptroller.

From this statement it will be seen that the banks have increased their holdings of bonds over $200,000,000 in the past four years, which is a most remarkable and rapid increase. The Government is now paying these banks annually; in interest alone, more than $16,000,000 as a bonus for the privilege of permitting them to issue currency to the full amount of the bonds. It will be remembered that only last fall the Secretary of the Treasury sold $15,000,000 of bonds bearing 3 per cent interest. These were sold only to the banks, and on these we pay them annually $450,000 in interest, while they were only required to pay into the United States Treasury 10 per cent of the purchase price. Ninety per cent thereof was very generously left in their own vaults.

These are not all of the advantages they enjoy. As often as they demand it the Government rushes to their aid with a deposit of untold millions of the public funds, which they hold without the payment of one cent of interest. They seem to understand that it is the province of the Government to pay interest, but not to receive it.

It is a strange coincidence that during a panic these financial institutions can and do, in violation of law, refuse to pay their depositors the money due them, and at the same time always have plenty of gold to buy all the bonds offered and complain because the amount sold is not larger.

When we recall the fact that a money stringency always produces a panic, and a panic always produces another bond issue and a further increase of the interest-bearing public debt, the only surprising thing about the whole business is that we do not have panics more often than we do.

If Congress would only repeal the law making these interest-bearings bonds the basis of securing this bank-note currency, it would go a long way toward settling the currency question and would remove the greatest temptation for creating a panic that has ever existed. The fact is that under present conditions there is every reason why the banks should pay the Government interest and not one valid reason for the Government paying interest to them.

Mr. Chairman, I want it understood that the failure to correct these evils and all the responsibility therefor rest alone with the Republican majority of this House. A majority of the Democrats would be glad to vote for them, but the other side are determined that we shall have no opportunity to do so, at least at this session. I believe in economy, and there should be no extravagant expenditure of the public funds; but under present conditions what is most needed just now is a liberal and broad-gauged Congress, for with more than $260,000,000 idle in the Treasury and several hundred thousand men and women idle throughout the country at the same time, we have a condition clearly showing that something is radically wrong. The truth is that just at this time the Government needs the labor and labor needs employment. Then, why not give it to them by making these long-needed interual improvements? If we should do so, the panic would be at an end at once; everybody who wanted employment could get it, and business would once again resume its natural and uninterrupted course.

For the last few days we have been frequently told by our Republican friends that the panic was over; that it had only lasted ninety days, and there was now no longer depression in the business world. But the facts do not justify these statements, and no man can blind himself to the fact that the great army of the unemployed is increasing daily. It was only a short time ago that more than a thousand men marching through the streets of Philadelphia were clubbed and beaten by the mounted police when their only offense was going to see his lordship the mayor to ask for employment.

The railroads everywhere are discharging their employees by the thousands and reducing the wages of those they retain. Only last week the cotton mills of the New England States made a reduction of 10 per cent from the wages of a hundred and sixty-five thousand employees. We have returned to the days of the soup house, and the charitable associations of every great city are now taxed to their utmost to feed the hungry and clothe the naked, and this deplorable condition could all be changed if Congress would only pass the legislation needed. Then, why do we not do it?

The best reason yet given for the failure to do so is that this is the election year, and we must go before the country with a record made for economy and show how much the majority has saved to the Treasury by its refusal to legislate. The people must be again faked by this old-time worn confidence game of deception which is attempted to be worked just before each national election. Can and will it again succeed? is the question that must be answered next November. I am inclined to believe that the people will not allow themselves to be fooled again, but will wake up to a full realization of the facts as they exist. When they do they will find a Republican majority in both the House and Senate halting and retarding every progressive step, and by so doing they are day by day swelling the ranks of the idle and unemployed. Who can calculate or even estimate the misery and suffering that will necessarily follow the pursuit of such a policy, and if it is to continue may we not expect the great army of voters to rise early in the morning of the next November election and hasten to the polls and there register with their ballots their solemn protest against a further lease of power to a party who withheld relief from the needy at a time when the Treasury was fairly bursting with useless money and thus demonstrated its incapacity to govern more than 80,000,000 of progressive and intelligent people? If the conditions remain as they are the next election will prove to be a great surprise unless a change speedily comes. When the sun goes down that evening behind the western horizon you need not be surprised to find that it has gilded with its golden rays one of the greatest victories the Democratic party has ever won. [Loud applause on the Democratic side.]

Mr. KEIFER. I should like to ask unanimous consent that all Members who have spoken or who may speak in general debate on this bill may extend their remarks in the RECORD.

The CHAIRMAN. The Chair will say to the gentleman from Ohio that that can not be done in Committee of the Whole. It will have to be done in the House.

Mr. BOWERS. I yield thirty minutes, or so much thereof as he may require, to the gentleman from Arkansas [Mr. FLOYD].

Mr. FLOYD. Mr. Chairman, I desire to discuss the President's special message in connection with the trust question, with which it chiefly deals. I think all will agree that the President's recent message to Congress is the most forceful document that has yet emanated from the pen of that remarkable man in the White House. It is not my purpose to pass a general encomium upon it, as some have done, nor to criticise the motives of the President, as others have done. Conceding honesty of purpose to its author, I regard it and shall treat it as an able state paper, transmitted to Congress by the Chief Magistrate of the nation, reflecting his views upon grave questions of public concern which, in my judgment, call for the thoughtful and serious consideration of every member of this body, regardless of his party affiliations.

While I differ widely from the President as to the primary causes of the evils complained of, and also as to the means whereby these evils may be uprooted and destroyed, as I shall take occasion to point out in the course of my remarks, I certainly sacrifice none of my self-respect, or loyalty to my own party, when I say that I consider the aims of the President, as set forth in this message, highly commendable.

I heartily favor his recommendation for the passage of an

employers' liability act. I indorse and approve the bold stand he has taken in this message for the enforcement of the law. I commend him for his demand for honesty in high financial transactions; for his denunciation of those engaged in dealing in futures and "stock-gambling" schemes, and for his earnest recommendations for further legislation to curb existing evils in the body politic.

On the contrary, there are a number of specific recommendations for new legislation contained in this and former messages of the President which do not meet with my approval.

I can not agree with the President in his recommendation for a national incorporation law. Such a law would be repugnant to both the letter and the spirit of the Constitution, as that instrument has been interpreted for a hundred years, and would be subversive of the rights of the States. If under the new theory of constitutional interpretation advanced by Mr. Root, Secretary of State, such a law should be passed and upheld by the courts, it would prove a dangerous extension of Federal authority. It is not necessary to either destroy or stretch the Federal Constitution in order to suppress the trust evil. Ample power is lodged in Congress and in the legislatures of the several States, if rightly exercised, to wipe this monstrous evil from the entire domain of the United States. [Applause.]

I can not agree with the President in his recommendation to provide for a Federal license or tax for corporations engaged in interstate commerce. While there is probably no constitutional bar to such legislation, yet, in my judgment, the effect of it would be to perpetuate forever the trust evil in our industrial and commercial system.

Trusts, in the sense in which I shall use the term, are vast combinations of capital consolidated for the purpose of controlling prices or which in the conduct of their affairs operate in restraint of trade. All such combinations I regard as great evils. I do not possess that nice power of discrimination which permits me to follow the President in that delicate differentiation of thought which enables him to classify these great aggregations of capital, consolidated for purposes of monopoly, into good trusts and bad trusts. I regard all as bad. And that is the position of the Democratic party. Every corporation or combination of corporations enjoying a monopoly should have all its affairs subjected to the most rigid supervision, regulation, and control by law. If any such concern seeks to conduct its business and affairs in defiance of law, it should be destroyed. In no other way can the unoffending public be protected from the rapacity and greed of giant monopolies.

I can not agree with the President in his recommendation for an amendment to the Sherman antitrust law so as to enable the railroads, in certain cases, to enter into agreements and combinations now prohibited by law. This, in my opinion, would be a step in the wrong direction in our efforts to control and regulate the affairs of our great interstate railroads. This is based upon the fallacy aleady alluded to that we have good combinations and bad combinations. All combinations in restraint of trade are bad.

The chief value of the President's message, as I see it, consists not in the remedies proposed. Some of these are good, some are vague and uncertain, and others are of doubtful character, which, if enacted into law, might be far-reaching and dangerous in their tendencies. The chief value of the document is found in the fact that he, as President of the United States, in open defiance of large and powerful elements in his own party, grown arrogantly rich under and by virtue of existing conditions and laws, brings to the attention of Congress and the country in a forcible manner the chicanery, the frauds, the wrongful manipulations, and the dishonest transactions of high financiers in the management of great corporate concerns against the common rights of the whole American people.

Here I desire to call special attention to that portion of the President's message beginning with the paragraph on page 12, which is as follows:

The attacks by these great corporations on the Administration's actions have been given a wide circulation throughout the country, in the newspapers and otherwise, by those writers and speakers who, consciously or unconsciously, act as the representatives of predatory wealth—of the wealth accumulated on a giant scale by all forms of iniquity, ranging from the oppression of wageworkers to unfair and unwholesome methods of crushing out competition, and to defrauding the public by stock jobbing and the manipulation of securities. Certain wealthy men of this stamp, whose conduct should be abhorrent to every man of ordinarily decent conscience, and who commit the hideous wrong of teaching our young men that phenomenal business success must ordinarily be based on dishonesty, have during the last few months made it apparent that they have banded together to work for a reaction. Their endeavor is to overthrow and discredit all who honestly administer the law, to prevent any additional legislation which would check and restrain them, and to secure if possible a freedom from all restraint which will permit every unscrupulous wrongdoer to do what he wishes unchecked provided he has enough money.

Mr. Chairman, this is strong language indeed. Evil conditions are graphically described and forcefully portrayed. Wrongdoers in high places are fearlessly assailed and their business methods bitterly denounced by the Chief Executive of the nation. Yet the President has told us nothing new. The conditions described and the evils complained of by the President in this message were not unknown to the public. The Democrats, on the stump, through the press, in the halls of Congress, in their State platforms, and in their national platforms since 1896 have kept these conditions and evils constantly before the American people. They have pointed out and suggested numerous remedies therefor, some of which, I am glad to say, have found favor with the President. The subject of railroad-rate legislation affords an illustration in point. The demand for this character of legislation was embodied in the national Democratic platforms of 1896, 1900, and 1904.

The Democratic national platform of 1896 declares:

The absorption of wealth by the few, the consolidation of our leading railroad systems, and the formation of trusts and pools require a stricter control by the Federal Government of those arteries of commerce. We demand the enlargement of the powers of the Interstate Commerce Commission, and such restrictions and guaranties in the control of railroads as will protect the people from robbery and oppression.

The Democratic national platform of 1900 declares:

We favor such an enlargement of the scope of the interstate-commerce law as will enable the Commission to protect the individuals and communities from discriminations, and the public from unjust and unfair transportation rates.

The Democratic national platform of 1904 declares:

We demand the enlargement of the powers of the Interstate Commerce Commission to the end that the traveling public and shippers of this country may have prompt and adequate relief for the abuses to which they are subjected in the matter of transportation. We demand a strict enforcement of existing civil and criminal statutes against all such trusts, combinations, and monopolies, and we demand the enactment of such further legislation as may be necessary to effectually suppress them.

No such demand is found in the Republican national platforms for any of those years; and, while it is true that individual Members on that side of the Chamber had previously introduced bills upon the subject, the first demand for this character of legislation coming from a high, authoritative Republican source is to be found in the President's annual message at the first session of the Fifty-ninth Congress, when he recommended the passage of the railroad rate bill. This one important measure has given President Roosevelt more popularity throughout the country than any other act of his Administration, and yet it was in keeping with specific demands of three successive Democratic national platforms. The act itself was passed in Congress by a practically unanimous vote in both Houses, Democrats and Republicans alike voting for it, with the exception of seven Republicans in the House and one Republican and two Democrats in the Senate, who voted against it. Hence the charge often made, not without foundation, that the President has profited in popularity by the absorption and appropriation of Democratic ideas and Democratic policies.

Mr. Chairman, there are three distinct and separate views upon the trust question. I hold in my hand a book entitled "The Raid on Prosperity," written by Chancellor Day, of Syracuse University, of New York. In this book Chancellor Day discredits the President and his Administration in his efforts for reform, and seeks to discredit reform movements from whatever source. He defends industrial combinations and their management in their entirety. He devotes three chapters to the Standard Oil Company; defends it and justifies all its methods. According to this learned publicist, the men in control of the great corporations and trusts are not malefactors, but the greatest benefactors of mankind. Present industrial conditions are ideal, and especially beneficial to laboring men. The evils from which we suffer are not due to these corporations or to the men at their heads, but are solely due to agitators, disturbers, and demagogues. This view is clearly set forth in an address delivered by Chancellor Day before a bankers' association at Albany, N. Y., on the 8th of last month, which was reported in the Washington Post, from which I clip the following extract:

The trouble has not been that our great geniuses of commerce and manufacture have become malefactors. The world has no nobler men. The trouble has been that the muck and slime of the vilifiers have been flung over them.

What of our future? If you will stop the ravings of the demagogues; if you serve vigorous notice on the men who are defaming our business men and discrediting our trade by representing our products as the sum of all villainy in fraud and adulteration; if you will call to account the men who are depreciating our bonds and stocks in foreign markets by comparing our great center of brokerage and exchange with a den of thieves; if you will insist that our great railways shall have fair play in their efforts to make new adjustments and to meet the demand of a fabulously developing country; if the whole people will rise up out of suspicion, distrust, and ignorance concerning economic conditions and insist that no man shall have their votes or their following who defames his country, sixty days will put an end to these hard times,

and they will not return while we maintain our self-respect and insist that the rich and the poor shall live and work together in harmony under the guiding providence of that God who made them all.

BLOOD WILL FLOW.

But if you acquiesce and by silence consent to the infamous work of the scandal mongers and permit the widening of the chasm between our thrifty classes and the restless anarchistic Socialists; if you indifferently look on and utter no word of protest against an agitation that invites the anarchist to sharpen his dagger and that appeals to the poor to take the property of the rich with violence because it has been stolen from them; if you admit the justice and righteousness of these assaults upon the mighty forms of our finance, manufacture, and trade, and the estates of the successful in the development of our industries, I prophesy, as I did the panic more than a year ago from the same causes, that before another half decade blood will flow in our streets and the night rider's torch will light the heavens with its appalling glare.

Chancellor Day is an eminent man; he is at the head of a great institution of learning in the Empire State. He speaks not for himself alone, but for a class. By such utterances he reflects the views and sentiments of the greatly rich, with all their allied interests and with their tens of thousands of followers, beneficiaries, and sycophants. According to this view, all industrial combinations are good things and the men at their heads are all right.

The President in his message reflects the views of the reform element of his own party, of which he is the conspicuous head. According to this view, trusts may be classified into combinations that are beneficial and useful and combinations that are harmful; or, in other words, into good trusts and bad trusts. Those who entertain this view think that good combinations should be let alone and encouraged, but that something should be done to relieve the public from the oppression and wrongdoings of bad combinations. This view falls far short of the Democratic position upon the trust question. It is too narrow and circumscribed to comprehend within its scope some of the very worst forms of evil from which the American people are suffering to-day. It entirely ignores legalized frauds resulting from the operation of unjust and discriminatory laws. It also ignores evils that are inherent in and the natural outgrowth of every system of monopoly, entirely independent of the fact as to whether the men in control are well disposed or ill disposed. The Democratic party takes the broader and more comprehensive view of the subject than does the President and most of the reform members of his own party.

Now I desire to give you the Democratic view upon the trust question, not in my own words, but in the language of the last national Democratic platform:

TRUSTS AND UNLAWFUL COMBINES.

We recognize that the gigantic trusts and combinations designed to enable capital to secure more than its just share of the joint products of capital and labor, and which have been fostered and promoted under Republican rule, are a menace to beneficial competition and an obstacle to permanent business prosperity.

A private monopoly is indefensible and intolerable.

Individual equality of opportunity and free competition are essential to a healthy and permanent commercial prosperity, and any trust, combination, or monopoly tending to destroy these by controlling production, restricting competition, or fixing prices should be prohibited and punished by law. We especially denounce rebates and discrimination by transportation companies as the most potent agency in promoting and strengthening these unlawful conspiracies against trade.

So much for conditions; so much for theories.

Now, let us turn to the consideration of practical remedies. In order that we may provide appropriate remedies for any evil, we should first analyze the same and ascertain the nature, character, and extent of such evil. Brushing aside the glow of inflammatory declamation and pyrotechnical denunciation and considering the question in the light of logic and cold facts, this analysis becomes exceedingly plain and simple. The conditions complained of in the President's message and the evils resulting therefrom may all be classed under one general head of "corporate abuses." These corporate abuses may be divided into three general classes, namely: Abuses resulting from law violations, abuses arising from absence of or lack of proper laws of restraint, and evils resulting from bad laws.

First. I desire to call your attention to abuses resulting from violations of existing laws by the directors, agents, and officers of corporations who control their management.

The remedy for this class of evils is to punish offenders for violations of the law. If the penalties now prescribed are not severe enough to restrain the wrongdoers, amend the law and fix heavier penalties. I have no objection to imposing a fine upon the corporation also. This, however, should not be used as a reason or excuse for allowing the guilty agents to go free. Nor have I one particle of sympathy with that sentiment that excuses the subordinate for the violation of law committed in obedience to the commands of his chief or some other high officer of the corporation. I think that every man, however humble his position, ought to be made to understand and know that the mandates of the law of the land are higher than the mandates of any corporation chief, however great his wealth or however powerful his influence. I therefore insist that every officer and agent of a corporation, be his position high or low, who willfully violates any of the provisions of existing law, should be made to suffer the penalties prescribed for such offense. A few conspicuous examples of rich men in the penitentiary or in the common prisons would do more to break up this species of evil than an hundred $29,000,000 fines imposed upon the corporations themselves. [Applause.]

Second. I desire to call your attention to corporate abuses arising from the absence of laws on the statute books to properly prohibit and restrain directors, officers, and agents of corporations from doing things which are unfair, unjust, and morally wrong, to the detriment of the public in the organization of and in the conduct and management of their corporate affairs.

The remedy for all such abuses is to enact new laws to prohibit and restrain the wrongdoing, to fix adequate penalties for their violation, and to rigidly enforce such laws against all offenders.

Third. I desire to call your attention to corporate abuses arising from the operation of bad laws, the effect of which is to foster and build up monopolies and trusts with all their attendant evils. In this class are all laws granting special franchises, subsidies, and gratuities to corporations; also all laws the effect of which in their operation is to give special privileges and law-made profits to certain classes, such as our high protective laws now in force.

The remedy for this last-named class of abuses is to repeal or modify the bad laws.

It is significant that this form of evil seems to have escaped the serious attention of the President. It is idle to rail at men as rich malefactors and yet maintain in full force and effect upon our statute books a system of unfair, unjust, and discriminatory laws that have made them rich and taught them to be malefactors. Blinded by their loyalty to a bad party policy—the policy of protection—neither the President nor any considerable number of his party associates seem to be able to look around behind the great protective tariff wall they have builded with their own hands and see where the trusts are coming from.

The fatal defect in the President's message and in the general policies of his Administration in dealing with the trust question is that he does not seem to comprehend the very close and beneficial relation between the high protective tariff and the trusts. The high protective tariff system is the very paladium of all the trusts. It is the strong redoubt behind which those classes grown rich and insolent by special privileges are strongly intrenched and securely protected. The remedy, in my judgment, which would be more effectual than all others in curbing the trusts lies within the clear scope of Congressional legislation. The remedy I refer to is the immediate revision and reduction of the high tariff schedules under the Dingley law. Under the operations of this law hundreds of industrial combinations have been formed, until almost every commodity of daily use is manufactured and sold by a trust.

Trusts are everywhere. The high tariff is the arm of the law that upholds and supports them. Paraphrasing a couplet from Burns—

Combines are like poppies spread,
You touch the tariff, and their bloom is shed.

The remedy for any evil, to be effective, must be applied to conditions and laws that have made possible the existence of such evil. In this case the evils complained of are the accumulation of vast and unlimited fortunes, great aggregations of capital, and a dangerous concentration of wealth in the hands of a few men, whom the President characterizes as "rich malefactors." This condition arises from two principal causes, already referred to, which bear a marked relation to each other. The one cause arises from laws upon our statute books, the effect of which is to grant special privileges to the manufacturing classes, and thereby enables them to augment their gains by arbitrary prices, resulting in large profits. Such is the effect of the high-protective schedules of the Dingley law. The other cause arises from the absence of laws upon our statute books to properly control and regulate the affairs of great corporate interests and their management. In other words, the one cause is the high protective tariff; the other is the unrestrained combination and consolidation of different corporate interests under one head, known as a trust. These twin sisters of iniquity walk arm in arm for the accomplishment of evil and evil continually.

The object and purpose of the one is to cut off foreign competition. The object and purpose of the other is to eleminate and destroy domestic or home competition. Unite the two for the one common purpose of destroying all competition, as they

are to-day united in these United States, and you place the great toiling masses of the liberty-loving American people at the absolute mercy of a damnable coalition between legalized robbery and unrestrained greed. [Applause.]

Such is our exact condition to-day. The American people are ground down, as it were, between two millstones, and the wealth of the nation is rapidly, rapidly aggregating into the hands of a few. Who can gainsay it! The high tariff keeps out the foreigner; he no longer competes. The trust unites all concerns engaged in any one particular line of industry under one head or management, thus and thereby eliminating domestic or home competition, and in consequence thereof the America laborer, the American farmer, and all the great consuming classes of whatever vocation or calling are compelled to pay for every article of food or raiment of necessity or comfort the arbitrary and extortionate price fixed by the trust.

The Constitution guarantees free trade between the States. The trust annuls that provision of the Constitution, or renders it nugatory. We have in effect no free trade anywhere. The trust not only controls the wholesale price, but also fixes the retail price of goods sold by its customers, and enforces its mandates by a species of boycott.

Let me give you an illustration in point. The cotton-thread trust, or that concern which has gained control of all the spool cotton thread manufactured in the United States, last summer sent an agent to Bentonville, Ark., a town in my district of about 3,000 inhabitants, with many thriving merchants who have always competed with each other for business and for trade, to notify all these local merchants to raise the price of spool cotton thread to 6 cents per spool. Some of the merchants had been selling it at 5 cents per spool. One of the most prominent firms in town refused to comply with the demand, claiming the right to sell their goods at any price they saw proper to charge. The trust agent returned to the East, and in a few days this firm received a letter from the headquarters of the trust stating that unless they raised the price of spool cotton thread to 6 cents per spool no more spool cotton thread would be shipped to their firm. Feeling indignant at such treatment, this local firm replied that they had never purchased any goods from the firm making this unreasonable demand upon them; that they purchased all their spool cotton thread from a wholesale house doing business in their own town, and that they would continue to sell cotton thread to 5 cents per spool.

In a few days the wholesale house referred to received a communication from the agent of the trust forbidding them to sell any more spool cotton thread to this recalcitrant firm, and warning them that if they did so no more spool cotton thread would be shipped to the said wholesale house. Yet this is free America under the reign of the trusts.

But the evil does not stop there. Not content with destroying all forms of competition, these trusts dishonestly enhance their profits by degrading and cheapening the quality of every article and product manufactured and sold by them.

I received a letter just the other day from a constituent of mine, written at the request of his neighbors, calling my attention to certain frauds along this line, and appealing to me, as their Representative in Congress, to aid in the passage of some measure to give the people relief from such impositions. Hear his letter:

CHOCTAW, ARK., *February 4, 1908.*

J. C. FLOYD.

DEAR SIR: The good-food law is a good thing. I have been requested by a large number of old Democrats of this county to ask you to get up a bill to prohibit the false packing in shoes and harness. You know that if we false pack a bale of cotton or anything it is a heavy fine. We want pure shoes, pure harness, pure tobacco, pure flour, pure coffee. For the tin tags on tobacco we pay from 35 to 50 cents per pound, which is a fraud. We get shoes here with paper and felt soles; felt heels with one leather tap on them. This is the greatest expense that Arkansas has to contend with. Can Congress help us? Or will they do it?

W. J. COLVIN.

This is a humble petition. It was written neither for show nor for publication, and comes from a little settlement of farmers down in the mountains of Van Buren County, Ark., remote from railroads and the great centers of trade. These people are honest, hard-working people, and have their farms on a little stream known as the Choctaw; yet this letter sets forth simple and plain facts which show the low, mean, despicable methods to which these gigantic corporations resort in order to add millions to their already ill-gotten millions by frauds and impositions practiced upon the humble tillers of the soil. Can Congress help them? Or will they do it? What is the trouble? There are many avowed enemies of the trusts in the Republican party. Whenever we bring up this trust question our friends on the other side of the Chamber point with pride to the record of President Roosevelt and his vigorous fight against the trusts and trust methods. Yes; be it said to his credit, the President, breaking away from the stand-pat policies of his own party, has for seven years been waging a constant and sometimes bitter and acrimonious warfare against the trusts. Yet they have grown and multiplied.

And now the President tells us in this very message that they have recently banded together to work for a reaction; that they now seek to overthrow what has already been accomplished; to thwart further new legislation to curb and restrain them, and to bring about, if possible, a condition of affairs that will afford them absolute freedom from all restraint. The people of the United States appreciate the efforts of the President in his fight against the trusts; yet I think it may be truthfully said that never since Don Quixote had his celebrated encounter with the windmills has gallant knight, armed with sword and buckler, spurred and panoplied and plumed with all the equipage of glorious war, waged such persistent contest with such fruitless results. But let us deal fairly with the President. The fault is not altogether or chiefly with him. True, he has sometimes misapplied his blows. He has denounced men when he should have denounced men and systems. He has prosecuted corporations when he should have prosecuted corporations and men. The Standard Oil Company has been fined $29,000,000; the guilty agents of the corporation have been permitted to go free. The fine has not been paid and may never be paid, but if it is, what benefit comes to the public if the Standard Oil Company is permitted to recoup its losses by some other high stroke of finance that will bring to its coffers millions in excess of the fine? [Applause.]

I tell you that the principal source of these evils is in the system and in the condition of our laws rather than the result of wrongful acts of individual men. Rockefeller, Rogers, and Harriman will pass as all mortals must pass in this transitory world, but when these imperious Cæsars are dead and turned to clay others will rise up in their stead and do the same things that their fathers have done until we change and modify existing laws, until we make new laws to prohibit and restrain corporations from further acts of oppression, and until we make laws to suppress evils that are inherent in and the inevitable outgrowth of our present trust-controlled industrial and commercial systems.

The President in this and former messages has brought many matters to the attention of Congress and made many valuable recommendations which would prove beneficial if enacted into law.

The President has recommended an income-tax law. No effort has been made by the President's party to provide for an income tax by constitutional amendment or otherwise.

The President has recommended an inheritance tax. No effort has been made by the President's party to provide for an inheritance tax.

The President asked for an employer's liability act. He was given an unconstitutional measure.

The President asked for a railroad-rate law. He was given a railroad-rate law, but it has proven insufficient, and the President is now asking that the same be amended and strengthened in a number of particulars in order that the Interstate Commerce Commission may regulate more effectually our interstate railroads.

The President recommends that something be done to prohibit manipulations in stocks and stock-gambling schemes. Yet the leaders of the President's party seem to be doing nothing looking to the correction of these great evils.

Yet all the while the leaders of the President's party on the floor of this House have been loudly proclaiming that they indorse the President's policies. For neither the President nor anybody else claims that these are Republican policies. They are "his"—the President's policies. This thing has gone on until many people have been led to question the sincerity of the President himself in his advocacy of reform legislation. There are others who do not know what to think. They can not make up their minds as to whether he is a statesman and a genuine reformer or a politician of consummate skill, constantly fulminating his ideas of reform before Congress in brilliant messages, scintillating with the fire of patriotic fervor, as grand-stand plays before the American people. However that may be, it is true that very little has been accomplished; and very little will ever be accomplished without vigorous legislative action. We can not shift this great responsibility upon the President.

The responsibility is upon us as lawmakers. The remedy rests with the lawmaking power. The corporation is a creature of the law. A trust is a great corporation or a combination of corporations, and, hence, likewise a creature of the law. Neither the corporation nor the trusts have any inalienable rights. What the law creates the law can destroy, or can regulate, control, or restrain within limits. This should be done by the State

if the corporation is acting within the exclusive jurisdiction or control of the State, and by the National Government if acting within the scope of Federal authority. If the lawmaking power in the State or in the National Government neglects or refuses to do its duty, the ultimate remedy rests with the people. In that event it is for the people to rise in revolt against their own leaders and hurl from power any party that favors or fosters legislative policies which operate to give special privileges to the rich against the poor. Yea, more! It is for the people to rise up in their sovereign might and strike down any man, regardless of party, who stands for legislation in favor of the classes as against the masses.

I have already submitted to you the Democratic position upon the trust question. I insist it is the only correct position, and must ultimately triumph. Fellow-Democrats, let us rally to the fight with renewed energy. The Republican party has utterly failed to deal successfully with the trust evil. This special message of the President is tantamount to a confession of that failure. The relief of the people from present bad conditions can only be secured through Democratic success. The war is on for industrial supremacy in this country, and the Republican party is closely allied with the trusts. The issue is sharply drawn between plutocracy on the one hand, and democracy, or the people, on the other. The insolence and oppressions of the greatly rich, and the disasters resulting from a widespread money panic, make conditions ripe for a change in the national Administration.

But let no one imagine that such a contest can be easily won. Those who would combat these forces of error with their millions of hoarded and ill-gotten gold, with their tens of millions of allies and hired emissaries, should have the zeal of martyrs and the courage of true patriots. This is no new fight. It is the old, old struggle of the ages. It is the struggle of the greatly rich seeking to gain and maintain privileges by law, or tolerated under the law, opposed and resisted by the masses constituting the great body of the people. The issue plainly stated is whether the combines and trusts shall control the Government or whether the Government shall control the combines and trusts.

In such a contest and on such an issue the Democratic party can and of right ought to win. It has ever been the enemy of plutocracy and special privileges. It has ever been the friend of the poor and oppressed. It has ever been the champion of equal rights and equal opportunities.

The prospects for Democratic success were never brighter. President Roosevelt has split the Republican party on the trust question, as President Cleveland during his second Administration split the Democratic party on the money question. All that we have to do in order to win is to unite all our forces and stand firmly and unalterably by the time-honored principles of Democracy, and millions of patriotic Americans, to whom these principles are ever dear, will rally to our support in this great civic conflict and will crown our efforts with a glorious victory. [Loud applause on the Democratic side.]

Mr. BOWERS. I yield to the gentleman from Ohio.

Mr. ASHBROOK. Mr. Chairman, the House being in the Committee of the Whole House on the state of the Union for the purpose of considering the annual appropriation for pensions, I desire to remonstrate and enter my protest on St. Patrick's day in the morning against existing laws governing the granting of pensions and the arbitrary and unjust rules and practices adopted by the Committees on Pensions.

It appears to me that the laws have been made to prevent, rather than give, pensions to that class of men who, by their heroism and bravery, made it possible for this nation to become the greatest of all nations.

No discretionary powers rest in the officials of the Pension Bureau. Technicalities are always in favor of the Government and against the poor soldiers, half of whom die trying to get that to which they are justly entitled.

All admit that every general law oftentimes works injustice. Pension laws should, however, be drafted out of a goodly mixture of gratitude, generosity, and justice.

Authority should be given the Commissioner of Pensions or a board of commissioners to pass upon all claims, according to the individual merit of each claim.

This authority rests in the hands of the Pension Committee. Likewise in the Invalid Pension Committee. But these committees have time to pass upon a few only of the many worthy and deserving bills introduced by the Members of Congress and referred to them.

If it is right, if it is just and fair for these committees to pass upon a few bills, why should not all of these bills be passed upon and accepted or rejected, according to the evidence and merit of the claimant?

During this session of the Sixtieth Congress in the neighborhood of 25,000 bills will be introduced in the House alone.

How many will be acted upon? Not so many likely as 2,000. What about those left in the pigeonhole?

Comrade Smith is helpless, blind, or partially so; perhaps paralyzed; possibly he has no property, no income except his pittance doled out by the Government.

A bill is introduced by his Congressman for his special relief. His bill happens to be one of the fortunate ones considered. By special act his pension is increased from $12 to $24, or even $30 per month; quite likely it should have been more. But it is an increase anyway, and his remaining days, but few at most, are made happier.

But how about Comrade Jones, who lives in the same town with Comrade Smith? He, too, is blind, helpless, no money, equally dependent and destitute.

His bill is not reached. He must continue to live on $12 per month or be carried to the county house. The Congressman is told that his case was not reached and he must wait until the next session.

Perhaps before Congress convenes again the old soldier, who, when his country called to him, left his home, his wife, his little ones, his aged mother, gave up pursuits full of promise to defend the flag and preserve the Union, dies.

He will not longer beg the Government to come to his relief, so sorely needed. He came to the relief of his country when the blood of the flower of our young manhood was so badly needed and so fearfully sacrificed, and dies unrewarded.

No; the old comrade's eyes are closed. After life's fitful fever he sleeps well.

He no longer clamors for or needs our aid and relief. A twenty-dollar headstone is generously set at the head of his grave. Possibly a flower is deposited on the little mound.

We close our eyes with satisfaction and boast of the splendid and generous care this great Government gives to its defenders.

Perhaps a century hence a costly monument may supplant the modest marker, a hothouse shelter the grave; but what does this avail the dead hero? A few dollars more each month while he was living would have meant far more than this tardy and unlimited expenditure after the final muster out. [Applause.]

No, Mr. Chairman, what we intend to do for the old soldiers ought to be done NOW.

We should not wait until all, or practically all, have answered the final summons. And they are fast dropping from the ranks, too, my colleagues. The gentleman from Ohio [General SHERWOOD], that valiant old soldier and statesman, told us the other day that 28,000 soldiers died last year; 80 every day; 1 every eighteen minutes. The old veterans will not be with us long.

And so I say that if one comrade is entitled to $24 or $30 per month by general or special act, then every other comrade in like circumstance and condition is entitled to $24 or $30 per month.

But how can this be done when one man must investigate and prepare the briefs on all of the bills referred to the Invalid Pension Committee? And one man to perform like service for the Pension Committee? It is simply out of the question.

I have no criticisms to make of Mr. Gauss, detailed by the Pension Bureau to examine the bills of the Invalid Pension Committee, or of Mr. Terry of the Pension Committee. In fact, I wonder how they go over the great mass of evidence and prepare as many bills for the committees as they do. I believe they are the hardest-worked Government employees in Washington to-day. At least three additional examiners should be detailed on the Invalid Pension Committee, that not only a few, but every bill, might be investigated and passed upon, to the end that every soldier would be treated exactly alike.

This is one of the conditions, Mr. Chairman, that I believe every Member will agree with me ought to be remedied. Fish should not be made of one and fowl of another.

As a new Member, I do not know how I can satisfactorily square myself with my soldier constituency. I have introduced forty-odd bills for special relief. I can not hope to get one-third of them passed. How about the others? Many will not be acted upon, equally as meritorious as those considered by the committee.

This is injustice to the Congressmen and injustice to the soldier. This, too, in a land where the Goddess of Justice stands blindfolded, that no distinction of the rights of any man, be he rich or be he poor, is supposed to be made. No wonder she stands blinded, for if sight were not obscured, she would weep big tears of shame that justice is so perverted.

The House has passed the widows' pension bill increasing from $8 per month to $12 per month the pensions of all widows who married soldiers prior to 1890.

Think of it. Eight dollars per month.

I received a letter yesterday, dated March 13, from a soldier's widow, Julia Dunaway, of Granville, Ohio, inquiring if it were true that Congress had passed a law increasing widows' pensions to $12 per month.

She says:

I am the mother of ten children. When my husband was living he got a pension of $100 per month and we got along very well. Now I get only $8 per month, and it is mighty hard to keep so many. I need all that I can get. Please tell me, is it true about our pensions?

Think of that, Mr. Chairman. A soldier's widow, the mother of ten children, drawing the munificent sum of $8 per month. This is an outrage. Any woman the mother of ten children whether she is a soldier's widow or not ought to get more than that. [Applause.]

The Senate wisely amended and passed this bill removing the marriage limitations. This is right; this is just. The wife who cares for her soldier husband during his last days, sure to be filled with suffering, nine chances out of ten a helpless invalid requiring untold care and attention, is entitled to a pension.

But the Senate did not go far enough. It makes this pension provision for widows of the wars up to and including the civil war only. Why exempt the Spanish war widows? This bill is now in the hands of a conference committee.

I hope this committee will still further amend the bill to include the widows and minor children of all wars.

I want to vote for this bill with such an amendment.

I want this House to pass the bill so amended. I believe the Senate will concur and I am sure the President will sign it.

I want a roll call had that every Member may go on record, that the friends of the heroes of this nation may be known and properly classified.

This, Mr. Chairman, brings me to a decidedly objectionable practice and rule.

I refer to the rules of the Pension Committee, to whom is referred all bills for special relief except those of the civil war.

This committee refuses to consider a Spanish war bill when the disabilities did not originate while in the service or can not be traced to such service.

This is an arbitrary and an unjust rule.

This rule does not prevail in the Invalid Pension Committee, I am glad to say.

The Pension Committee refuses to consider this class of claims and gives as a reason therefor that not until the act of 1890 were any pensions given to civil war veterans or veterans of other wars for disability without service origin.

This is strange precedent.

If it was right to pension a soldier in 1890 and since that time for disabilities other than of service origin, it was right to give such pensions before 1890.

If it is right to give civil war veterans such pensions, why not be fair to the Spanish war veterans?

I am told it is too soon; that the Spanish war veterans must wait because the veterans of other wars waited.

Because the veterans of wars previous to the Spanish war were not fairly and justly treated is that any reason why the rule should be continued and adhered to? Not in the least.

I ask indulgence for another personal reference to a case in my own district, the Seventeenth Ohio.

I refer to the claim of Herbert O. Kohr, of Uhrichsville, Ohio. He enlisted in Company B, First Batallion of Engineers, United States Army; served three years, reenlisted, and at the end of the second enlistment received an honorable discharge after six years of faithful service to his country. There is not a blot on his record.

Shortly after his discharge, while engaged on a public work at Oldwine, Iowa, a supposed dead dynamite fuse exploded. When his bleeding body was picked up, it was found that he had lost both eyes—not the sight only, but the eye balls were gone—one hand was off, and his face and body otherwise horribly disfigured; a wreck for life.

Before the accident he was a perfect picture of physical manhood. Now he is blind, helpless, penniless. A little lad leads this once stalwart soldier from house to house, from town to town.

He makes a precarious livelihood by selling a book that he has written since that accident. It is entitled "Around the World, or Six Years with Uncle Sam."

Yes; he was six years with Uncle Sam. Must he wait thirty years, if perchance he lives so long, to get a little something for six of the best years of his life?

He was in the battle of Santiago, he was in China during the Boxer uprising, and in the Philippines for many months. He risked his life and health, and for six long years was in arms, the greater portion of this time on the field of battle.

Now he is denied even a pittance from the Government he so faithfully and honestly defended. Why?

Because his disability did not originate in the service.

This is true. But for comparison let me refer to another case.

I know a veteran of another war who was in the service just ninety-one days. He was stricken with paralysis, and is now a Government beneficiary to the extent of $30 per month.

I am not opposed to pensions of the class to which I have referred. Not by any means. I doubt if any soldier ever got more than he deserved, and but few get as much.

I believe in pensions from the bottom of my heart.

I believe in pensions, first, because those who risked their lives in the defense of their country are entitled, in the days of their adversity, to the care and protection of the country they served so well. It is simple justice, not charity.

Second, because of the billion of dollars, or thereabouts, annually appropriated by the United States no part of it or all the rest of it does the country as much good as the one hundred and fifty millions distributed among the soldiers.

The merchant, the doctor, the editor, the preacher, and even the undertaker gets his share.

But to the claim of my poor blind Spanish war veteran. He is denied. He served six years, but because he happens to be a veteran of this war and not of some other war he must continue to live upon the charity of the public.

Six years ago Hon. John W. Cassingham, who then represented the district I to-day have the honor of representing, introduced a bill for the relief of Herbert O. Kohr. Two years ago my honorable predecessor, Judge M. L. Smyser, introduced a similar bill. The committee refused to consider these bills.

One of the first bills I introduced was for the relief of this poor, helpless, unfortunate man.

The chairman of the Pension Committee, the honorable gentleman from New Jersey [Mr. LOUDENSLAGER], he with the ever-present pink carnation in his coat lapel, fluffy cravat, and provoking twinkle in his eye, blandly but bluntly informed me that he would not permit the committee to recommend or consider this bill while he was chairman of the committee.

I interviewed many members of the Pension Committee. All agreed that this was a most worthy claim, but told me that I must get the consent of the chairman to consider the bill before a stone could be turned.

The poor soldier, who had worked his way to the Capitol, vainly appealed to be allowed to go before the committee, but he with pink complexion and enlarged heart still denied him.

I turned to the President of the United States. The blind soldier stood before the Chief Executive in mute silence. No lengthy appeal was necessary to enlist his sympathy and interest. A few simple words told the story of his life and service. The President realized the justness of the claim. President Roosevelt said Herbert O. Kohr ought to be pensioned, and that he would write the chairman of the Pension Committee and urge as strongly as he knew how a favorable consideration of this bill.

He did, and permit me to read the President's letter:

THE WHITE HOUSE,
Washington, January 31, 1908.

Hon. HENRY C. LOUDENSLAGER,
Chairman Committee on Pensions, House of Representatives.

MY DEAR SIR: The inclosed letter from Congressman ASHBROOK explains itself. I have seen Herbert O. Kohr, the man for whom the pension is asked. He served for six years in the Regular Army, both in the Philippines and in China, with an honorable record. He then went into private life; was engaged in a public work at Oldwine, Iowa, and while engaged in duty a dynamite explosion caused him to lose both eyes, his left arm, and otherwise maimed him, so that he is absolutely helpless for life. He is dependent upon charity. If we had proper laws as to employers' liability, a man thus disfigured by a dynamite explosion would be pensioned for life anyhow. As we have no such proper laws, I earnestly hope that the Pension Committee will grant him a pension. I would do the same for any man who has served well in the Army of the United States and who afterwards while working hard for his living is disabled for life by an accident which, if our laws were proper, would also mean that he was pensioned for life. I very earnestly press his claim.

Sincerely, yours,

THEODORE ROOSEVELT,
President of the United States.

What has been done or what will be done? It looks like for the present the obdurate chairman would rule, notwithstanding the merits of the claim; notwithstanding President Roosevelt wrote the chairman of the committee, "I earnestly hope that the Pension Committee will grant him a pension."

Herbert O. Kohr is not only honestly entitled to a pension, but every other soldier with like record and unfortunate condition.

Does not the President say:

I would do the same for any man who has served well in the Army of the United States and who afterwards, while working hard for his living, is disabled for life by an accident which, if our laws were proper, would also mean that he was pensioned for life.

The President is right in his advocacy of an employers' liability law, and I hope to be able to vote for this law.

But, Mr. Chairman, such a law passed now or at any other time in the future would bring no relief to the already unfortunate victims of accident and disaster.

Every soldier of all the wars and their widows and dependent children ought to be fairly, justly, and liberally dealt with.

To my notion the greatest curse of Congress is the code of rules, both in the House and in the committees. I recognize the necessity of rules for the transaction of business and the control of all bodies. But rules should not deprive a Member and his constituency of their inherent rights, nor should it serve to defeat the ends of justice. [Applause.]

The veterans of the civil war will soon be gone, the last camp fire will be out. While they are living let this Government provide for them sufficient, at least, that they may be comfortably housed, clothed, and fed.

If to do this it is necessary to cut out the building of a battle ship or two each year, a few public buildings, or even reduce the standing Army, do so. [Applause.]

I voted last Saturday to increase the pay of city carriers of a certain grade from $1,100 to $1,200, because I believe many, very many, subordinate salaries are entirely too low, although I felt that the increase more justly belongs to other grades and the faithful rural carriers, who must keep a team and make long hauls over good roads and bad for $900 per annum; while his big city brother will hereafter get $1,200 for lighter work and shorter hours.

But why did Congress rush to the relief of these letter carriers and remain indifferent to such meritorious bills as the Sherwood dollar-a-day bill?

Is it because the old soldier is looked upon as having less political influence?

Nearly every Member was in his seat when the amendment to increase the salaries of the city letter carriers was being considered.

When the gentleman from Ohio [General SHERWOOD] ably argued for the passage of his bill three-fourths of the Members were conspicuous by their absence. I admit that seven Republicans were present and heard the old warrior plead for his comrades. [Applause on Democratic side.]

This is a poor way to inspire patriotism. It leads us to inquire, Does it pay to be a hero?

Don't turn these old veterans out to die like a worn-out horse.

Give those who, by their sacrifices and bravery, made this nation great, rich, and powerful their just reward.

Should the war clouds ever again threaten us, then will the young men follow the example of their patriotic fathers and forefathers and rally around the flag as of old.

And so, Mr. Chairman, I appeal again that our pension laws and rules of the Pension Committees be so amended that all may secure and receive without further unnecessary delay that which is justly due them.

May the policy of a square deal be practiced as earnestly and as strongly as it is to-day preached. In conclusion I use the words of the President, "I earnestly press their claims." [Loud applause on the Democratic side.]

Mr. KEIFER. I yield to the gentleman from Idaho.

Mr. FRENCH. Mr. Chairman, the bill that I have introduced (H. R. 18790) provides for prohibition of immigration to the United States of Japanese and Korean laborers. Before offering any reason for the passage of the bill I desire to outline briefly the salient features of the measure. After that I shall offer a few words showing why the bill should become a law.

In preparing the bill I have followed as closely as practicable the wording of the Chinese-exclusion act and the amendments thereto. I have done this in order, if possible, to use language that has been interpreted by the Department of Commerce and Labor and by our courts. One section of the Chinese-exclusion act, providing for the imprisonment for one year of a Chinaman unlawfully within the United States prior to deporting him, I have omitted, because it was held by the Supreme Court to be unconstitutional. Several sections in the original Chinese-exclusion act have been omitted because the matters which they cover have been dealt with more satisfactorily in later amendments. The main features of the bill are as follows:

First. The prohibition of the immigration of Japanese and Korean laborers into the United States or the insular possessions of the United States, or from the insular possessions to the main land.

Second. The prohibition of any Japanese or Korean laborer returning to the United States who had departed, unless he had a lawful wife, child, or parent in the United States, or property therein of the value of $1,000, or debts of like amount due him and pending settlement. These provisions have been so safeguarded as to preclude abuses thereunder.

Third. It is provided that all Japanese and Korean laborers who may be entitled to remain in the United States at the time of passage of the act shall, within six months thereafter, obtain certificates of residence. This is the same provision that was required of Chinese laborers, and is plainly necessary in order that the spirit of the act may not be avoided.

Fourth. Provision is made in the bill for access to our country of Japanese and Korean merchants, professional men, students, and travelers, besides diplomatic representatives.

It will appear then that the object of the measure is to exclude from our country the great body of Japanese and Korean laborers to whom our doors are open so far as laws are concerned and to place these laborers and their families in the same class as the Chinese laborers. The purpose of the bill is to prevent a large oriental population coming to our shores and becoming a part of the population of the United States, and while the bill does not seek to limit the immigration of Japanese and Koreans absolutely, it does seek to limit the immigration of practically the entire number who are coming to our shores at the present time.

Nations are organized and perpetuated for the benefit of the people who make up the nation, and as people individually have problems to solve that have to do with their course of life, so nations have problems to solve which bear upon their perpetual well-being, and we must proudly assume that our nation's life is perpetual. Many acts of a nation are merely transitory and have but a passing effect upon the current events and development of the nation; other policies of the nation go to the very basic principles upon which the nation rests.

A tariff law operates indifferently and may be repealed or continued with slight effect upon the ultimate character of the nation; a financial policy may be changed by each succeeding administration; great Government improvements have to do with the facility with which business is handled, but not one of these questions strikes vitally at the highest good of any country. The question involved with respect to the immigration of people to our shores has to do with the character of our population, of our institutions, of our religious, ethical, social, and political life. Our country is going through a great formative period, and it is the duty of our nation to have a guard for not only our commercial and industrial well-being, but our people as well. More important than the construction of railways, the building of cities, or the reclamation of arid lands is the safeguarding of our population, and in safeguarding our population one of the primal things to which our minds must be directed is the blood that flows in our people's veins. Peoples of different color and widely separated racial tendencies do not live side by side under the same flag in peace and harmony.

It matters not the relative development of the races; it matters not that they are equal in all that makes for highest manhood and for purest womanhood; it matters only that their social characteristics are separated by a chasm so deep that it can not be bridged at the marriage altar, and their folklore stories mingled by a common fireside. Such is the chasm that separates the American people to-day from the people of the Orient. It is upon this ground that I believe they should be excluded from our shores in such a manner as will prevent any considerable number from ever claiming this their home. This can be done, I believe, by the exclusion of the laboring classes of the oriental countries. On the other hand, realizing the vigor, attainments, and traditions of these ancient people, realizing that they have broken the spell that has bound them as recluse nations during the centuries gone by, we may well afford to admit their scholars that we may learn from them, their students that they may learn from us, their merchants, if this can be done without abuse, that we may buy from them the product of their genius, and through whom we may in turn exploit the fruits of our own industrial thrift.

The relations between the United States and the nations of the Orient should be such that the utmost good will may prevail. We should ask nothing from them that we would not as cheerfully concede. As the years go by we will become more and more interdependent. Notwithstanding this, our growth should be side by side and not by mingling the population of America on the continent of Asia and the population of Asia upon the continent of America. It may be laid down as a cardinal principle that the greatest internal peace belongs to that nation whose people are homogeneous, while, on the other hand, distrust, unrest, and internal strife are the undoubted portion of the nation whose people do not blend.

Prior to the discovery of gold in California, following a policy of exclusiveness centuries old, the people of China, Japan, and Korea had hardly set foot upon our shores. Within four years after 1849 10,000 Chinese alone had landed in the United States, and by 1882, when the first definite act was passed restricting the immigration of Chinese laborers into our country, more than 100,000 Chinese and Japanese had found their way hither. At that time Congress listened to the voice of the West, and an act was passed suspending the immigration of Chinese laborers into the United States. We have followed the policy of excluding Chinese laborers ever since.

Notwithstanding the vigilance that we have exercised, and in view of liberal immigration laws as relate to Japan and Korea, there are to-day something like 300,000 people from China, Japan, and Korea in our midst, and if ready immigration were possible this number would multiply itself many times within the next few years. The tendency of the last quarter of a century warrants me in making this assertion. Going back no further than 1893 and following the immigration of Japanese into our country up to the present, the figures from the report of the Commissioner of Immigration of the United States are very striking:

Japanese immigrants.

1893	1,380
1894	1,931
1895	1,150
1896	1,110
1897	1,526
1898	2,230
1899	2,844
1900	12,635
1901	5,269
1902	14,270
1903	19,968
1904	14,264
1905	10,331
1906	13,835
1907	30,226

The most casual examination of these figures warrants the belief that the tendency is firmly established, and I believe that only by legislation on our part can further immigration be withstood. Remarkable as are the figures bearing upon the immigration of Japanese to our country, I do not think that they represent the true increase. Thousands of Japanese have doubtless come to our country of whose entrance no record has been made. They have come from Canada and Mexico. It has been estimated that the number of Japanese who have entered in this manner for many years equals the number who were admitted through the custom-house. Upon this question the Commissioner-General of Immigration of the United States says in his report for the fiscal year ending June 30, 1907:

> Japanese laborers in large numbers are, and have been for months, flocking to both Canada and Mexico. That in the vast majority of cases their intention (usually formed, it is believed, before embarking for the voyage over) is to enter the United States the Bureau is convinced. In other words, these laborers merely use foreign contiguous territory as a place of temporary sojourn while perfecting plans for proceeding to points in this country. Reports received from immigration officials located in Canada and along the Mexican border show beyond question that such is the case.

I find also in the report that Inspector Braun made to the Immigration Department under date of February 12, 1907, this remarkable statement in confirmation of the remarks which I have just made:

> I have stated before that to secure reliable data as to the number of immigrants coming into Mexico is very difficult, if it be not an impossibility, but I have been assured that during the last year and a half 8,000 Japanese and 5,000 Chinese have entered the Mexican Republic. To-day, however, there are not 2,000 Japanese and not 15,000 Chinese in all Mexico, although, according to a conservative estimate, more than 45,000 Chinese have come to Mexico, and few ever return from there. The Mexican-Chinese-Japanese transportation companies—steamers from all the Mexican ports—have not taken them home to the Orient. Where are the Japanese and Chinese that have come to Mexico and did not remain in that Republic? The almost irresistible conclusion is they found their way to the United States.

I believe that if a census could be taken to-day of the Japanese within our country the number would equal something like 175,000 people. The tendency among the Koreans is just the same. They have not come to our country in such large numbers as have the Japanese, but I believe a very conservative estimate would place their number at 15,000, and that most of these were admitted since the census of 1900.

The relative proportion of this oriental population when compared with the population of our own country is comparatively small, yet, in spite of this, resentment is felt toward them very generally by the sections of our country that have any considerable number of Asiatic people. This resentment is deep rooted and is not the passing sentiment of a restless day. The immigrants from Japan and from Korea, as well as most of the Chinese who came to our country prior to the passage of the Chinese-exclusion law, look upon our country as a place which will furnish men with immediate work at good wages, and probably with some remote or uncertain idea of making this their home. The immigrant from the Orient has lived in a country where he has received something like 10 or 15 cents per day for his labor. He is willing to work in the United States, and he is willing to accept for his labor the minimum wages paid to a white laborer, and even less. Certain handicaps that exist compel him to do this. He does not know our language; he is not as skillful at first as our own laborers. He is not supplied with a large amount of money and is compelled to earn the means for his subsistence.

The result is apparent. He establishes a scale of wages that he can with difficulty raise after he does know our language and after he has become proficient. He establishes a scale of wages far lower than the wages paid to white laborers for doing the same work. The Japanese and Korean Exclusion League, from estimates based upon the wages received by thousands of laborers in the city of San Francisco, does not hesitate to say that the wages which the Japanese receive are from 40 to 50 per cent lower than the wages received by white laborers doing the same character of work.

This is not the only way the presence of the oriental laborer is detrimental to the interest of the white workman. For years the American laborer has struggled for a shorter labor day. He has desired more time away from daily routine for himself or for his family. He has so far succeeded that the eight-hour day is becoming more and more universally recognized. From statistics prepared by the Japanese and Korean Exclusion League, covering thousands of Japanese workmen, it is shown that the Japanese laborer works from ten to fourteen hours per day, where the white laborer works about nine hours. No one can successfully maintain that such competition as this does not tend to lower the conditions of the white laborer.

The white laborer is not accustomed to living as the coolie laborer of the Orient lives. He demands better food and better homes. A single room will furnish all there is of home for six or eight or ten Japanese, Chinese, or Korean laborers, and this same squalid quarters would not be considered as worthy by the most modest American workman. Living in such quarters, working longer hours for lower wages, the coolie laborer is a menace to the great body of American workingmen and a great menace to the best interest of our entire people.

It has been urged that the coolie laborer does the work that the American laborer will not do. Yet such is not the case. The bright Japanese has entered the lists against workmen in almost every line of labor. There are tailors and there are printers; there are engineers and machinists. There are miners, clerks, shoemakers, barbers, jewelers, office boys, hotel and restaurant keepers, photographers, section hands, carpenters, painters, bricklayers, paperhangers, plasterers, gardeners and farmers, and scores and scores of other workmen who are Japanese, and they are in our own country and competing with our own labor.

It is no wonder, then, that the American laborer, no matter whether he is skilled or unskilled, looks upon the tremendous immigration from the Orient as constituting a grave danger to American ideals and American opportunities, not only for the present but for all time. If a halt is not called, what will be the condition within a few years of every trade throughout the West? What will be the condition of the laboring man, whether skilled or unskilled? If the workmen of the Orient are entering these various lines of work to-day, surely they will enter, by another short decade, the lists as competitors with our own workmen in tenfold degree.

I fully realize that what I have said will be met with counter argument by many people in our country, and especially throughout the East. There are those who urge most vigorously that any restriction is wrong. They urge that we should encourage the immigration of Japanese. They believe that we need the labor of these people. The latter part of January of this year a splendid body of representative men—the National Board of Trade—convened in our nation's capital. That body of able men adopted on January 22 a resolution upon this question, which I desire to call to your attention:

> *Resolved*, That the National Board of Trade is strongly opposed to any and all legislation intended to discriminate against Japan or her citizens; but, on the contrary, it is believed that every effort should be made to cultivate and promote the most intimate commercial relations between the two countries, and that all privileges now enjoyed by the most favored nations should continue to be extended to the Japanese.

This resolution would not have been adopted had the spirit of the resolution not been approved by a considerable number of business interests or of citizens of our country. The men who approved it, I fully believe, have looked upon but one side of the question. They have seen great opportunities for the unfolding of our industries. They have seen demand for labor. They have seen the need of men for railroad, mine, and factory.

But in their enthusiasm they have not seen the impoverished condition that inevitably would be brought to American labor within the quarter of a century already begun if their resolution were to be given life during the next twenty-five years. They have not seen that a race of people would be placed side by side with our own people, which would arouse enmity and passion and bring about internal strife and perhaps open war because of their unwelcome presence. They have seen quick action and immediate results; but they have not seen the suffering that they would entail upon two races contending each for higher social and political advantages as the years roll on into the countless decades of our glorious Republic.

The condition of a few to whom wealth has been granted bears little relation to the welfare of any nation. Our nation can not be higher than the general condition of the masses of our people. If the masses of our people are prosperous, our country is prosperous. If they are not prosperous, if they are not content, then in that degree does our Government fall short of the great responsibility that the people have reposed in our political institutions.

The time to solve this question is now; not next year, nor two years from to-day, but now. Every day that passes without action being taken the problem becomes more difficult. Every day will witness greater opposition to this legislation upon the part of interests that will be affected. Steamship companies will oppose this legislation with each succeeding day, because they will desire the traffic in the bringing of oriental people to our shores. Every year that passes without this legislation will make it increasingly more difficult to maintain cordial relations with our neighbors across the sea.

Every year that passes will bring additionally embarrassing political questions to the States which have oriental voters. It is not to be supposed that these voters could get the point of view that the American would have. It is not to be supposed that they would fail to use their ballot to produce practical results for themselves. Every year that passes will bring increased difficulties because of the public school situation. Every year will heighten the difference between the oriental laborer and the white laborer, and the white laborer can not be blamed for standing for the welfare of his own fireside. Last of all, every year that goes by without positive legislation looking to the checking of oriental immigration means the introduction into our midst of a people of a strange blood who throughout the centuries to come will retain their individuality and serve as the slumbering embers that will in the sometime burst into flames of international wars involving our own country and the nations of the Orient.

We may talk of friendly understanding and the willingness of the oriental nations to prevent the immigration of their people to our shores. I respect the sincerity of those who urge this course, but I have no confidence in the merits of such a policy. We can not leave this question to Japan and to Korea any more than thirty years ago we could have left the question of Chinese immigration to the Chinese Government. The present ministry may favor the policy, the succeeding one may oppose it, or if it favors it, the ministry may not prove itself efficient. During the last few days the people of Japan, by their votes, have asked for a new ministry. Who can tell the policy of the political leaders who will now assume control? Aye, if they have declared their policy, who can tell how faithfully that policy will be executed or what will be the policy in ten years from now?

Within the last two years the people of the West have been restless on this question. This restlessness has not been confined to the people of the United States; it has extended to Canada. Since Congress has been assembled the dispatches in our papers have told of this unrest from day to day. The very day the resolution was passed in our capital city by the National Board of Trade, favoring the immigration of Japanese, a representative of the parliament of British Columbia is reported as having declared that the Japanese of Vancouver were thoroughly armed, and that if steps were not taken to disarm them the citizens would arm themselves. This is but a straw, but it indicates the direction of the wind. Within the last two years the American people have witnessed a struggle that has gone on in San Francisco between the citizens and school authorities, on the one side, and the Japanese, on the other, over the question as to whether or not the Japanese should attend the public schools side by side in the same rooms, in the same classes, with our own boys and girls.

Within the year we have heard forecasts of war between our country and the Empire of Japan. Within the year we have seen 10,000 laborers in Vancouver, in British Columbia, descend upon the Japanese and Chinese quarters of that city, break in the doors and windows of fifty houses, and injure some of those who would defend. Within the year we have seen repeated instances of lesser violence, and local officers, for the maintenance of the peace, have been called upon more than once to protect our own people or the ones whose presence they resent.

These things are probably not great within themselves, but I speak of them for what they signify. The time has come when the Chinese or Japanese on the Pacific coast is not pointed out as the curious representative of an unknown race—a mere object of interest. That time has long passed by. The time has come when his presence excites resentment. The hand of the brown man is raised against the hand of the white. He lowers wages. He lowers the standard of living. In times of prosperity he awakens angry passions. In times of depression he arouses riots. Law-abiding for the most part, he has no love for any country but his own. He does not harmonize with our institutions. His blood could not be assimilated with our own because of race prejudice, nor would it be desirable were assimilation possible.

Why, then, should we give ear to any voice that pleads for the admission of these people to our shores? To admit them is to sow the seeds of violence and bloodshed for years to come. It may not be in our day, but it will be some time. Now, while it is within our power, we should work out a course that will mean peace for the present day and peace for the future years. Now, while this voice is heard asking leniency in our laws; now, while commercialism is asking for oriental labor; now, I say, is the time for our country to arouse herself from all lethargy and to say to all the world that for the advantage of a day we shall not bring a curse upon our land; we shall not sell our birthright for a mess of pottage. Our country has no spirit of hostility against Korea, China, or Japan. Our country has only highest hopes for those old peoples. We are proud of their intellect; we admire their love of native land; we glory in the success that the last century has brought to them. We deny them nothing that we are not willing that they should deny us. We wish them untold blessings through future years; but we want their unfolding to be on their own land. Loyal to American institutions, loyal to American labor, loyal to American blood, our country should sound a warning to the American people, to the Chinese and Japanese alike, that, however close our commercial relations may be, each race should leave the other free, under the guidance of almighty God, to work out its own great destiny.

I append herewith a copy of my bill, which is as follows:

A bill (H. R. 18790) prohibiting the immigration of Japanese and Korean laborers to the United States.

Be it enacted, etc., That from and after the passage of this act the coming of Japanese and Korean laborers to the United States be, and the same is hereby, prohibited; and it shall not be lawful for any Japanese or Korean laborer to come from any foreign port or place to any State or Territory or insular possession of the United States nor from any insular possession to the mainland of the United States.

SEC. 2. That the master of any vessel who shall knowingly bring within the United States or from any insular possession to the mainland of the United States on such vessel and land, or attempt to land, or permit to be landed any Japanese or Korean laborer from any foreign port or place shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not more than $500 for each and every such Japanese or Korean laborer so brought, and may also be imprisoned for a term not exceeding one year.

SEC. 3. That the two foregoing sections shall not apply to Japanese and Korean laborers who were in the United States on the passage of this act who shall produce to such master before going on board such vessel, and shall produce to the collector of the port in the United States at which such vessel shall arrive, the evidence hereinafter in this act required of his being one of the laborers in this section mentioned; nor shall the two foregoing sections apply to the case of any master whose vessel, being bound to a port not within the United States, shall come within the jurisdiction of the United States by reason of being in distress or in stress of weather, or touching at any port of the United States on its voyage to any foreign port or place: *Provided*, That all Japanese or Korean laborers brought on such vessel shall not be permitted to land except in case of absolute necessity, and must depart with the vessel on leaving port.

SEC. 4. That from and after the passage of this act no Japanese or Korean laborer in the United States shall be permitted, after having left, to return thereto, except under the conditions herewith enumerated:

No Japanese or Korean laborer within the purview of this section shall be permitted to return to the United States unless he has a lawful wife, child, or parent in the United States, or property therein of the value of $1,000, or debts of like amount due him and pending settlement.

The marriage to such wife must have taken place at least a year prior to the application of the laborer for a permit to return to the United States and must have been followed by the continuous cohabitation of the parties as man and wife.

If the right to return be claimed on the ground of property or of debts, it must appear that the property is bona fide and not colorably acquired for the purpose of evading this act, or that the debts are unascertained and unsettled and not promissory notes or other similar acknowledgments of ascertained liability.

A Japanese or Korean person claiming the right to be permitted to leave the United States and return thereto on any of the grounds stated in this section shall apply to the Chinese, Japanese, and Korean inspector in charge of the district from which he wishes to depart at least a month prior to the time of his departure, and shall make on oath before the said inspector a full statement descriptive of his family, or property, or debts, as the case may be, and shall furnish to said

inspector such proofs of the facts entitling him to return as shall be required by the rules and regulations prescribed from time to time by the Secretary of Commerce and Labor, and for any false swearing in relation thereto he shall incur the penalties of perjury.

He shall also permit the Chinese, Japanese, and Korean inspector in charge to take a full description of his person, which description the collector shall retain and mark with a number.

And if the said inspector, after hearing the proofs and investigating all the circumstances of the case, shall decide to issue a certificate of return, he shall, at such time and place as he may designate, sign and give to the person applying a certificate containing the number of the description last aforesaid, which shall be the sole evidence given to such person of his right to return.

If this last-named certificate be transferred, it shall become void, and the person to whom it was given shall forfeit his right to return to the United States.

The right to return under the said certificate shall be limited to one year; but it may be extended for an additional period, not to exceed a year, in cases where, by reason of sickness or other cause of disability beyond his control, the holder thereof shall be rendered unable sooner to return, which facts shall be fully reported to and investigated by the consular representative of the United States at the port or place from which such laborer departs for the United States, and certified by such representative of the United States to the satisfaction of the Chinese, Japanese, and Korean inspector in charge at the port where such Japanese or Korean person shall seek to land in the United States, such certificate to be delivered by said representative to the master of the vessel on which he departs for the United States.

And no Japanese or Korean laborer shall be permitted to reenter the United States without producing to the proper officer in charge at the port of such entry the return certificate herein required. A Japanese or Korean laborer possessing a certificate under this section shall be admitted to the United States only at the port from which he departed therefrom, and no Japanese or Korean person, except Japanese or Korean diplomatic or consular officers, and their attendants, shall be permitted to enter the United States except at the ports of San Francisco, Portland (Oreg.), Boston, New York, New Orleans, Port Townsend, or such other ports as may be designated by the Secretary of Commerce and Labor.

SEC. 5. That the Secretary of Commerce and Labor shall be, and he hereby is, authorized and empowered to prescribe the form and substance of certificates to be issued to Japanese or Korean laborers under and in pursuance of the provisions of this act, and prescribe the form of the record of such certificate and of the proceedings for issuing the same, and he may require the deposit, as a part of such record, of the photograph of the party to whom any such certificate shall be issued.

Any person who shall knowingly and falsely alter or substitute any name for the name written in any certificate herein required, or forge such certificate, or knowingly utter any forged or fraudulent certificate, or falsely personate any person named in any such certificate, and any person other than the one to whom a certificate was issued who shall falsely present any such certificate, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in a sum not exceeding $1,000 and imprisoned in a penitentiary for a term of not more than five years.

SEC. 6. That in order to secure the faithful execution of the provisions of this act every Japanese or Korean person, other than a laborer, who may be entitled to come within the United States, and who shall be about to come to the United States, shall obtain the permission of and be identified as so entitled by the Japanese or Korean Government, or of such other foreign government of which at the time such Japanese or Korean person shall be a subject, in each case to be evidenced by a certificate issued by such government, which certificate shall be in the English language, and shall show such permission, with the name of the permitted person in his or her proper signature, and which certificate shall state the individual, family, and tribal name in full, title, or official rank, if any, the age, height, and all physical peculiarities, former and present occupation or profession, when and where and how long pursued, and place of residence of the person to whom the certificate is issued, and that such person is entitled by this act to come within the United States.

If the person so applying for a certificate shall be a merchant, said certificate shall, in addition to above requirements, state the nature, character, and estimated value of the business carried on by him prior to and at the time of his application as aforesaid: *Provided*, That nothing in this act shall be construed as embracing within the meaning of the word "merchant" hucksters, peddlers, or those engaged in taking, drying, or otherwise preserving shell or other fish for home consumption or exportation.

If the certificate be sought for the purpose of travel for curiosity, it shall also state whether the applicant intends to pass through or travel within the United States, together with his financial standing in the country from which such certificate is desired.

The certificate provided for in this act and the identity of the person named therein shall, before such person goes on board any vessel to proceed to the United States, be viséed by the indorsement of the diplomatic representatives of the United States in the foreign country from which such certificate issues or of the consular representative of the United States at the port or place from which the person named in the certificate is about to depart; and such diplomatic representative or consular representative whose indorsement is so required is hereby empowered, and it shall be his duty, before indorsing such certificate as aforesaid, to examine into the truth of the statements set forth in said certificate, and if he shall find upon examination that said or any of the statements therein contained are untrue it shall be his duty to refuse to indorse the same.

Such certificate viséed as aforesaid shall be prima facie evidence of the facts set forth therein, and shall be produced to the Chinese, Japanese, and Korean inspector in charge of the port in the district in the United States at which the person named therein shall arrive, and afterwards produced to the proper authorities of the United States whenever lawfully demanded, and shall be the sole evidence permissible on the part of the person so producing the same to establish a right of entry into the United States; but said certificate may be controverted and the facts therein stated disproved by the United States authorities.

SEC. 7. That the master of any vessel arriving in the United States from any foreign port or place shall, at the same time he delivers a manifest of the cargo, and if there be no cargo, then at the time of making a report of the entry of the vessel pursuant to law, in addition to the other matter required to be reported, and before landing, or permitting to land, any Japanese or Korean passengers, deliver and report to the Chinese, Japanese, and Korean inspector in charge of the district in which such vessel shall have arrived a separate list of all Japanese or Korean passengers taken on board of his vessel at any foreign port or place, and all such passengers on board the vessel at that time. Such list shall show the names of such passengers (and if accredited officers of the Japanese or Korean or of any other foreign government traveling on the business of that government, or their servants, with a note of such facts), and the names and other particulars as shown by their respective certificates; and such list shall be sworn to by the master in the manner required by law in relation to the manifest of the cargo.

Any refusal or willful neglect of any such master to comply with the provisions of this section shall incur the same penalties and forfeiture as are provided for a refusal or neglect to report and deliver a manifest of the cargo.

SEC. 8. That before any Japanese or Korean passengers are landed from any such vessel the Chinese, Japanese, and Korean inspector in charge, or his deputy, shall proceed to examine such passengers, comparing the certificates with the list and with the passengers, and no passenger shall be allowed to land in the United States from such vessel in violation of law.

SEC. 9. That every vessel whose master shall knowingly violate any of the provisions of this act shall be deemed forfeited to the United States, and shall be liable to seizure and condemnation in any district of the United States into which such vessel may enter or in which she may be found.

SEC. 10. That any person who shall knowingly bring into or cause to be brought into the United States by land, or who shall aid or abet the same, or aid or abet the landing in the United States from any vessel, of any Japanese or Korean person not lawfully entitled to enter the United States, shall be deemed guilty of a misdemeanor, and shall, on conviction thereof, be fined in a sum not exceeding $1,000 and imprisoned for a term not exceeding one year.

SEC. 11. That any Japanese or Korean person or person of Japanese or Korean descent, when convicted and adjudged under any of said laws to be not lawfully entitled to be or remain in the United States, shall be removed from the United States to Japan in the case of a Japanese, and to Korea in case of a Korean, unless he or they shall make it appear to the justice, judge, or commissioner before whom he or they are tried that he or they are subjects or citizens of some other country, in which case he or they shall be removed from the United States to such country: *Provided*, That in any case where such other country of which such person shall claim to be a citizen or subject shall demand any tax as a condition of the removal of such person to that country, he or she shall be removed to Japan or Korea as specified heretofore in this paragraph.

Any Japanese or Korean person or person of Japanese or Korean descent arrested under the provisions of this act shall be adjudged to be unlawfully within the United States unless such person shall establish, by affirmative proof, to the satisfaction of such justice, judge, or commissioner his lawful right to remain in the United States.

But any such Japanese or Korean person convicted before a commissioner of a United States court may, within ten days from such conviction, appeal to the judge of the district court for the district.

A certified copy of the judgment shall be the process upon which said removal shall be made, and it may be executed by the marshal of the district or any officer having authority of a marshal under the provisions of this section.

And in all such cases the person who brought or aided in bringing such person into the United States shall be liable to the Government of the United States for all necessary expenses incurred in such investigation and removal; and all peace officers of the several States and Territories of the United States are hereby invested with the same authority in reference to carrying out the provisions of this act as a marshal or deputy marshal of the United States, and shall be entitled to like compensation, to be audited and paid by the same officers.

After the passage of this act, on an application to any judge or court of the United States in the first instance for a writ of habeas corpus by a Japanese or Korean person seeking to land in the United States to whom that privilege has been denied, no bail shall be allowed, and such application shall be heard and determined promptly without unnecessary delay.

SEC. 12. That it shall be the duty of all Japanese or Korean laborers within the limits of the United States who were entitled to remain in the United States before the passage of this act to apply to the collector of internal revenue of their respective districts within six months after the passage of this act for a certificate of residence; and any Japanese or Korean laborer within the limits of the United States who shall neglect, fail, or refuse to comply with the provisions of this act, or who, after the expiration of said six months, shall be found within the jurisdiction of the United States without such certificate of residence, shall be deemed and adjudged to be unlawfully within the United States and may be arrested by any United States customs official, collector of internal revenue or his deputies, United States marshal or his deputies, and taken before a United States judge, whose duty it shall be to order that he be deported from the United States, as provided in this act, unless he shall establish clearly to the satisfaction of said judge that by reason of accident, sickness, or other unavoidable cause he has been unable to procure his certificate, and to the satisfaction of said United States judge, and by at least one credible witness other than Japanese or Korean, that he was a resident of the United States on the date of the passage of this act, and if, upon the hearing it shall appear that he is so entitled to a certificate, it shall be granted upon his paying the cost.

Should it appear that said Japanese or Korean had procured a certificate which has been lost or destroyed, he shall be detained and judgment suspended a reasonable time to enable him to procure a duplicate from the officer granting it, and in such cases the cost of said arrest and trial shall be in the discretion of the court; and any Japanese or Korean person, other than a Japanese or Korean laborer, having a right to be and remain in the United States, desiring such certificate as evidence of such right, may apply for and receive the same without charge. No person heretofore convicted in any court of the States or Territories or of the United States of a felony shall be permitted to register under the provisions of this act.

SEC. 13. That immediately after the passage of this act the Secretary of Commerce and Labor shall make such rules and regulations as may be necessary for the efficient execution of this act, and shall prescribe the necessary forms and furnish the necessary blanks to enable collectors of internal revenue to issue the certificates required hereby, and make such provisions that certificates may be procured in localities convenient to the applicants.

Such certificates shall be issued without charge to the applicant, and shall contain the name, age, local residence, and occupation of the applicant, and such other description of the applicant as shall be prescribed by the Secretary of Commerce and Labor, and a duplicate thereof shall be filed in the office of the collector of internal revenue for the district within which such Japanese or Korean makes application.

SEC. 14. That any person who shall knowingly and falsely alter or substitute any name for the name written in such certificate, or forge such certificate, or knowingly utter any forged or fraudulent certificate, or falsely personate any person named in such certificate, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined in a sum not exceeding $1,000 or imprisoned in the penitentiary for a term of not more than five years.

SEC. 15. That the provisions of this act shall apply to all subjects of Japan and Korea and Japanese and Koreans, whether subjects of Japan or Korea or any other foreign power.

The words "laborer" or "laborers" wherever used in this act shall be construed to mean both skilled and unskilled manual laborers, including Japanese or Koreans employed in mining, fishing, huckstering, peddling, laundrymen, or those engaged in taking, drying, or otherwise preserving shell or other fish for home consumption or exportation.

The term "merchant" as employed herein and in the acts of which this is amendatory shall have the following meaning and none other: A merchant is a person engaged in buying and selling merchandise at a fixed place of business, which business is conducted in his name, and who, during the time he claims to be engaged as a merchant, does not engage in the performance of any manual labor except such as is necessary in the conduct of his business as such merchant.

Where an application is made by a Japanese or Korean for entrance into the United States on the ground that he was formerly engaged in this country as a merchant, he shall establish by the testimony of two credible witnesses other than Japanese or Korean the fact that he conducted such business as hereinbefore defined for at least one year before his departure from the United States, and that during such year he was not engaged in the performance of any manual labor, except such as was necessary in the conduct of his business as such merchant, and in default of such proofs shall be refused landing.

Such order of deportation shall be executed by the United States marshal of the district within which such order is made, and he shall execute the same with all convenient dispatch; and pending the execution of such order such Japanese or Korean person shall remain in the custody of the United States marshal and shall not be admitted to bail.

The certificate herein provided for shall contain the photograph of the applicant, together with his name, local residence, and occupation, and a copy of such certificate, with a duplicate of such photograph attached, shall be filed in the office of the United States collector of internal revenue of the district in which such Japanese or Korean makes application.

Such photographs in duplicate shall be furnished by each applicant in such form as may be prescribed by the Secretary of Commerce and Labor.

SEC. 16. That any violation of any of the provisions of this act, the punishment of which is not otherwise herein provided for, shall be deemed a misdemeanor, and shall be punishable by fine not exceeding $1,000, or by imprisonment for not more than one year, or both such fine and imprisonment.

Mr. KEIFER. I now yield to the gentleman from Ohio.

Mr. LANING. Mr. Chairman, I was not a soldier of the civil war, but that was no fault of mine. If I had been born a few years sooner I probably would have been one. Ordinarily the presumption of my knowing anything about the war would be against me, for I was a mere boy then. But I was old enough to remember its scenes and incidents with the vividness of a boy's recollection, and I fully realize the force of that terse and memorable saying of that old hero, "Uncle Billy Sherman," as he was familiarly called, that "War is hell." I as a boy saw the soldiers go out and return, and I saw the home life of the soldier's family, often fuller of sadness and hardship than his lot at the front, little dreaming that the time would come when I as a man might take part in the deliberations of the National Congress upon appropriations for pensions and other legislation for the relief of the suffering and wants of those who took part in that terrible conflict. But I am glad to have the opportunity at this time of expressing my sentiments as to shortcomings that to my mind appear in the methods of executing the pension laws and the wrongs that are seemingly being practiced upon those who, as they went out to defend the Stars and Stripes, had my interest and my sympathy.

The Government called into the Army and Navy millions of men to encounter the dangers of battle, the diseases of camp, and the hardships of military service, and it assumed the responsibility, and impliedly, if not directly, pledged itself to provide an adequate pension system that those who received disabilities and their widows and orphans might be properly cared for. The manner in which this responsibility has been met and the extent to which the obligation has been redeemed need no apology.

I hope I may not be considered out of place for speaking about the administration of the pension laws because of my brief service in this body and my slight opportunity for contact with the problem. But in my short career here I have observed what seem to me as grievous faults in the distribution of pensions, and the peculiar part that Congressmen are taking, in the procedure, which I offer to this House for its consideration.

This Government is now paying out annually for pensions about $140,000,000, distributing it to about 960,000 persons. About 900,000 of these cases arise out of the civil war. The beneficiaries each get, on the average, about $12 per month, and it is undoubtedly true that many of them are obliged to take less than in justice belongs to them. There must be, judging from my own correspondence, a great many old soldiers of the civil war who feel aggrieved at the exactions of the Government examiners who pass upon evidence filed in the Pension Bureau, shown by the frequency and extent to which more proof is called for to support claims; and it is not a great wonder to one who watches and becomes familiar with the process that many anxious but well-meaning applicants become discouraged over their experience in getting a pension in the regular way and besiege their Congressman for the help and advice he can give in surmounting the difficulties. And, considered from this view point, neither is it strange that already there have been introduced into this House at this session more than 12,000 bills for special pensions and at least 4,000 more in the Senate. This appeal to the Congress of the United States, that it give relief from the disparity that is practiced in passing out the pension money we appropriate, is a token of dissatisfaction that speaks in no uncertain or complimentary way.

In the Pension Bureau no applicant is supposed to be given the benefit of any doubt, but, on the contrary, all close questions are resolved against him. In that tribunal there is no presumption in his favor, but he must prove that he is entitled to the pittance he sues for by the clearest evidence and beyond a reasonable doubt. All the technicalities are seemingly invoked against the granting of pensions. All sympathy is barred, and even in the face of favorable reports from the Government boards of surgeons, who give personal examinations and rate the cases, applicants are turned down and increases denied with apparent heartlessness or cold-bloodedness. It is so easy to say that the disease or injury was not of "service origin," or that the disability has not "ratably increased from the pensioned causes," that such phrases have become stereotyped and are parts of form letters sent out to notify applicants of the rejection of their cases.

Slowness of closing up cases in the Pension Bureau is another cause of much complaint. An old soldier gets nervous when he has heard nothing about the progress of his case for several months, and when his claim has been allowed and he does not get his voucher for several months he becomes suspicious and alarmed.

Our daily mail brings us the evidence of this discontent in inquiries and complaints, and this not only swells our correspondence, but it entails upon us much work and loss of time in investigating the causes, remedying the faults, and reporting the results to the inquirers.

With every inquiry we make of the Bureau they are cautious enough to make us certify that it is not made at the request of a pension attorney or claim agent; but still an army of stenographers work at the job in our offices, and another of clerks and their helpers is kept busy in the Bureau of Pensions, looking up cases, searching the evidence, and defining their status. Greater expedition would, if it could be had, make the services of much of this extra force unnecessary, and the work of many of these Government employees could be turned into the direct channels of pension allowance.

But I have no fault to find with this Bureau, or complaint to make as to its efficiency. It is a mammoth institution, employing many people, most of whom have abilities ripened by long experience in the work. At its head is a patriotic gentleman, a former esteemed member of this body, having a high order of talent for the duties intrusted to him in this Department, and a warm friend of the old soldier. His administration of the office has been an acknowledged success. No one could have done better. With the handicaps that have arisen we may well say that it is a wonder that it has been so extremely and uniformly good. It is impossible to eradicate all friction and causes of complaint, and technical rules are necessary to stay the ravages that otherwise might be made on Uncle Sam's pocketbook.

And notwithstanding all the care and consideration that may be exercised and the equity that may be sought in distributing the pension fund, there have been many inequalities committed and much injustice unwittingly practiced in the pensions granted as well as those not granted.

All men do not look upon pension ratings from the same point of view, and when one of the soldier boys easily gets a pension of twenty-four dollars per month and his comrade can get but eight dollars, and that with difficulty, it excites suspicion and creates dissatisfaction. But thanks to the "age law," much of this grievance has disappeared. As a consequence, however, of the remaining disparity, complaints reach us, and we are asked to introduce special bills, to raise up the low spots, and thus restore equality in the distribution of this great national bounty.

And what Congress here does in this line invites to its Members still greater services of the same kind to perform. Our own action is like the appetite that grows by what it feeds upon. Each special bill we get, instead of allaying the demand,

brings us a call for a much greater proportion of new ones. The impossibility of reaching every bill in the committee puts a restraint upon the number we can secure, and often is liable to be misconstrued and to bring us unjust criticism and to detract from the credit due to what we do achieve in this line.

We all like to do what we can for our old soldier constituents and get for them a high-rated special bill. But such bills, though a labor of love, may be and are apt to be trouble breeders for us, because the House committee can not give us the opportunity of getting a hearing upon all of the bills we present, and we can not, with no fault of ours, serve equally all our needy soldier constituents.

And is there no remedy for the troublesome condition with which we are here confronted?

In the first place, there is no sense in compelling the old soldier to come to Congress for a special pension, for there ought to be a way to give him relief easier and better without it. I like the work I do for him and he is welcome to my services, to the best of my abilities. It comports with my sympathetic nature and it is with pleasure that I respond to his distress call. I have no aversion in the performance of this work for him. It is no task to me; but it appears to my mind that it could be better done, and more to the satisfaction of the beneficiaries, if a more constant, systematic, and businesslike method of disposing of special cases could supersede the present unfair, unfruitful, and troublesome one.

Some time ago I introduced a general bill to pension imbecile children who had reached 16 years of age at the death of the parent. The pension authorities, under it, can act when the case arises, and a result be secured, as in other regular cases, without the delay and trouble of getting a special act for the unfortunate, as they are now compelled to ask for. True, there are not many such cases—possibly 100 or so each year—but why compel each of them to appear before Congress for relief?

But this is only a step in the proposed right direction. There is, in fact, no valid reason why a method of procedure should be established compelling anybody to come to Congress for pension relief. Why could not a board of review or a commission of some kind, such as the Court of Claims, perform this function? If fifteen men, as a committee of Congress, can be trusted, why can not a similar or a much smaller number of selected civilians do it as well? We ought to have some confidence in the ability and integrity of our fellow-men who are not in Congress. Such a body, having the discretion to pass upon special cases, where full evidence to prove apparent facts can not now be obtained, and to make such awards as the merits of the cases disclose without regard to technicalities, the decisions being based upon humanity and justice, such as would be invoked by a committee of this body, would be a great relief to every Member of this House and a boon to every pension applicant.

Congressmen could then devote themselves more to the statesmenlike duties of studying up and mastering questions of government and finance and internal improvements and the many high and momentous affairs involved in this line of political life.

Such a board could sit frequently or constantly; suitors could go before it at any time, in person or by proof; cases could be disposed of as they come up in a timely manner, and it would be unnecessary to crowd into a few Congressional days a year's accumulation of cases, to be but poorly considered or half acted upon.

This would be a great relief to suitors, and complaints would be reduced to a minimum. Our time could be spent, as I have suggested, in performing higher functions, in passing general pension laws, leaving the administration of them to others having power to act as we would act through our committee, we reposing in confidence that the pension rights of our constituents were being guarded jealously, their cases dispatched with celerity, and administered with equity. I believe this would be a practical reform. It would certainly be an economizer of time, and produce results now impossible.

A successful manager of a great business never devotes his time to small affairs subordinates can do as well as he, but reserves himself for the higher duties which grow out of the performance of the details by others; and so here we ought to reserve our efforts and energies for the many higher, more strenuous, and complex problems that come to our branch of the Government.

But, in the next place, if this proposition be too utopian to be hoped for with prospects of realization, if the old soldier must still come to Congress and have his entreaties for relief placed before this body, it seems to me we can and ought to improve upon our methods, for now in many cases when he asks for bread we are giving him a stone.

There are probably but few people outside of Congress that know there are two pension committees in this body—the Committee on Pensions and the Committee on Invalid Pensions. They are alike in purposes, but differ in some of their practices.

The Pensions Committee, of which I have the pleasure of being a member and can speak from personal knowledge, considers every bill referred to it, if called for by its author, and recommends for passage every bill of merit.

The Committee on Invalid Pensions considers a part of the bills referred to it, and recommends a part of those considered. Now, I do not want to be considered as speaking disparagingly of this committee. With the number of bills it has before it, and the time it has at its disposal, it appears that this course is a consistent one.

But is there not here a demand for a broader and fairer method? Should not this committee, instead of equipping itself with but one expert to examine its thousands of cases, employ as many as are needed to write up all of them, so that instead of pursuing the policy of pigeon-holing all of the cases of each Member, except four or five he is allowed to select, give each and every bill an equal chance?

There were 2,523 special pensions granted during the Fifty-ninth Congress out of probably 25,000 asked for, and thousands of cases as meritorious, many of them, as those granted were never written up or considered by the Invalid Pensions Committee at all. And why should this discrimination be practiced? Why should not all claimants have the same fair treatment, the same as they are supposed to get before the Pension Bureau, the deserving ones being passed and those without sufficient merit being turned down? With such a course of procedure, Congressmen could go before their constituents without dissimulation, removed of all blame or suspicion of neglect of the old soldier's interest, and what is far better, obtain the proper pension for many who have no other means of securing it.

"Uncle Sam is rich enough to buy us all a farm;" and if so, is abundantly able to pay a good pension to every old soldier entitled to it. Love of country is not a matter of caprice only. You can instill into the minds of our youth a spirit of patriotism by inspiring a reverence for the flag and by reciting to them stories of heroes who laid down their lives to defend it. But real patriotism is born of example, and the Government must show the same devotion to the soldier's interests in time of peace that it wishes the soldier to return to it in time of war. Woe betide the country when it tramples his rights under foot and turns a deaf ear to his just appeals. A government loyal to the people will find loyal subjects, and they will quickly and cheerfully rally to its call when anyone assails its flag or attempts to despoil its institutions.

If Congress is to pursue its present policy, it should be fair to all and put itself in a position to promptly hear and determine all cases presented to it for allowance. It is the only creditable thing to do. If a method can not be worked out superior to the one now in vogue, let us make it an exact, methodical, effective process instead of a happy-go-lucky, catch-as-catch-can, go-as-you-please affair, without a determinate method or policy. There is no middle ground that can be occupied with credit to ourselves or with fairness to the old-soldier element of our constituency. And the Pension Bureau should employ a sufficient force to do all its work quickly. It means only a few more clerks, and they are plenty. As my observation goes, there is no end to the people that want to work for our good Uncle Sam. And I believe Congress is willing to make the appropriation big enough to cover all the needs of a prompt and decisive service.

The old soldier that has pitched his tent on "fame's eternal camping ground" has no need for a pension "over there." What little he wants he wants "down here below," and he is not now going to "want that little long." We ought not to tire out his patience with technicalities. The Halls of Congress should be no place for obstructionists or reactionaries as to pension legislation. We should all be "boosters" instead of "knockers" in the matter of passing all of these special bills that are just.

I am glad that it has been the policy of the Government, in raising money to pay pensions, to pursue such a method of indirect taxation that no one has esteemed it as a burden. That immense and almost incomprehensible sum of nearly $4,000,000,000 paid out for this item since the civil war has been raised, and the one hundred and forty millions now paid out annually passes into the Treasury and out into circulation without the complaint of high taxes from anybody. Think of it, that such an enormous expenditure could have been made annually for over forty years, the Government prospering all the time and the citizens never murmuring. Here is an example for financiering, fortitude, fidelity, and patriotism, the

like of which the world never saw before. No nation of the Old World can boast of a record anywise approaching it. [Applause.]

I am for "the old flag and an appropriation for pensions" big enough to treat all the soldiers alike. I think that for pensions we should sever the golden strings of the Government purse with the scissors of liberality. About the best money that the Government spends is its pension money. No finespun theories of finance are needed to figure out its effect on business. It goes into the hands of all classes of citizens, and into all the channels of trade. Thirty-five millions of dollars per quarter is paid out, and it meets the emergency currency situation about the best of anything that has yet been devised. It is more than the Government put into the banks to stop the panic, and if it could have paid out a year's pensions all at that time there would probably have been no financial distress. Our pension appropriation is not only a distributor of money but of happiness to many a household as well.

I hope that the money under the coming widows' pension bill may be speedily paid out to those who are to be its beneficiaries. This reminds me of another thing I hear frequently complained of; that is a delay in paying pensions to widows and orphans upon the demise of the husband and father. It does not seem to me to be just right that there should have been over 11,000 accrued pensions unpaid in the Pension Department at the close of the last fiscal year. When a husband dies, in many cases the widow, deprived of his support, is destitute, and needs quick service by the Government in placing in her hands what is due her, and such claims should be given absolute precedence over all others, and be adjusted with the least possible exaction as to evidence.

For my part I am sorry that the provision of the Sulloway widows' pension bill, now in conference committee, which was in it when it passed the House, extending its benefits to the entire soldiery of the Republic, was stricken out by the Senate, and I hope the House conferees will insist on the retention of the original provision.

The excuse for the amendment, given by the Senate committee in its report, is that nearly all of the widows of the soldiers of the regular Army and Navy and the widows of soldiers who served in the war with Spain are comparatively young women, not incapacitated by age. But this is not an equitable one. When a man is asked to enlist the promise is held out to him that in case he is killed, or succumbs to disease, or dies from wounds received, the Government will, by pension, aid in caring for his widow and orphans. Hence it has no right, by delay, to force such conditions upon them that the widow, to live, must toil and sweat over the washtub for years, endure hunger and poverty, and wear her life away until exhaustion overtakes her, and the children be kept from school and society, and be poorly clothed and fed, to aid her in obtaining a subsistence.

Early in life is when the husband's service would have been most valuable to his family, and this is the time when its absence should be compensated by a contribution from the Government. To wait until old age arrives to those who are compelled to wear their lives out prematurely by the hardships of widowhood forced upon them by the loss of husband in the Government service is practically a denial of help, and as a policy is both unpatriotic and unjust.

The Government's obligation begins immediately upon the occurrence of widowhood, and for this reason the support of these widows and orphans should not be put off until the wars and campaigns in which they served are an almost forgotten fact of history. Ten years ago the war with Spain occurred, and the widows of its soldiers are entitled to pensions now.

What is $8 or $12 per month to the sacrifice of the widow who gave her husband in the prime of life, and $2 per month for the support of the child that was made an orphan by the ravages of this war. And, then, why be obliged to wait for the pittance till the widow is old and is no longer able to provide her own means of subsistence, and the amount is needed to keep her from the almshouse or some other charitable institution or from being a burden to friends or relatives, who generally have enough to do to provide for their own necessities. To decline to contribute toward the care of these widows and orphans, not only in declining years, but while they are needy in earlier years, is base ingratitude and discreditable to both the Government and its chief legislative body. [Applause.]

There are several other general pension bills pending in the Committee on Invalid Pensions that should be passed to do justice to deserving old soldiers, and I hope the committee may soon see its way clear to present them to the House, as I shall be pleased to vote for them and for appropriations commensurate with their requirements. The Taylor bill for the relief of ex-prisoners of war, the Sherwood bill granting a service pension of $1 per day to those who served over eighteen months, and the Dawes bill placing certain volunteer officers on the retired list with pay, the same as those of the Regular Army officers, all measures introduced by my Ohio colleagues, meet my hearty approval.

Time and mortality are thinning the ranks of the old soldiers, and soon the places they have been wont to inhabit will know them no more forever. There were 31,000 deaths of surviving pensioners of the civil war last year, and this year they will undoubtedly reach 50,000. A regiment per week will spread their silent tents and bivouac with the dead "on fame's eternal camping ground." More than 60 per cent of the men and women now living never saw anything of the civil war, having been born since that great struggle, and soon an old soldier of that war will be a curiosity; and most of us, too, who have personal recollections of it, will have our names inscribed on the eternal rolls. Then, let us make the last days of the old soldiers and their dependents more comfortable, their going hence less foreboding, and the fate of those they leave behind less deplorable. [Applause.]

Mr. KEIFER. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. TOWNSEND, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the pension appropriation bill, and had come to no resolution thereon.

SENATE CONCURRENT RESOLUTION REFERRED.

Under clause 2, Rule XXIV, the following concurrent resolution was taken from the Speaker's table and referred to its appropriate committee as indicated below:

Senate concurrent resolution 46.

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, authorized and directed to cause to be made an examination and survey of Galveston Harbor, as a whole, including Galveston Harbor, Galveston channel, Texas City channel, and Port Bolivar channel, in the State of Texas, for the purpose of establishing a broad, comprehensive, and systematic plan for the future extension, enlargement, and deepening of said harbor so as to meet the growing needs of commerce, and to estimate the probable cost thereof—

to the Committee on Rivers and Harbors.

ADJOURNMENT.

Mr. KEIFER. I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 4 o'clock and 49 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of Commerce and Labor, transmitting a schedule of documents and papers not necessary for the transaction of the public business—to the Joint Select Committee on Disposition of Useless Papers in the Executive Departments and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Secretary of War submitting an estimate of appropriation for purchase of land adjoining the military reservation at Fort Des Moines, Iowa—to the Committee on Appropriations and ordered to be printed.

A letter from the Secretary of War, recommending legislation to transfer to local authorities the right of way of the Cache River road to the Mound City (Ill.) National Cemetery, and also making recommendations as to other roads leading to the same cemetery—to the Committee on Military Affairs and ordered to be printed with illustrations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. PAYNE, from the Committee on Ways and Means, to which was referred the bill of the Senate (S. 514) to amend an act entitled "An act to prevent the importation of impure and unwholesome tea," approved March 2, 1897, reported the same without amendment, accompanied by a report (No. 1244), which said bill and report were referred to the House Calendar.

Mr. WILSON of Illinois, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill of

the House (H. R. 350) for the establishment of a fish hatchery at Paris, Tex., reported the same with amendments, accompanied by a report (No. 1245), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill of the House (H. R. 513) to establish a fish-cultural station in the county of Hickman, in the State of Tennessee, reported the same with amendments, accompanied by a report (No. 1246), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill of the House (H. R. 3928) to establish a fish hatchery and fish-culture station in the State of Kansas, reported the same with amendments, accompanied by a report (No. 1247), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill of the House (H. R. 3972) to establish a fish hatchery and fish station in the State of South Carolina, reported the same with amendments, accompanied by a report (No. 1248), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill of the House (H. R. 4901) to establish a fish-hatching and fish-culture station in Jefferson County, State of Kentucky, reported the same with amendments, accompanied by a report (No. 1249), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill of the House (H. R. 6131) to authorize the establishment of a fish-cultural and biological station on the Gulf of Mexico within the limits of the State of Florida, reported the same with amendments, accompanied by a report (No. 1250), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill of the House (H. R. 7616) to establish a fish-hatching and fish station in the city of Green Bay, Brown County, State of Wisconsin, reported the same with amendments, accompanied by a report (No. 1251), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill of the House (H. R. 11825) to establish a fish-cultural and biological station in the Territory of Hawaii, reported the same without amendment, accompanied by a report (No. 1252), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. MOORE of Texas, from the Committee on Immigration and Naturalization, to which was referred the bill of the House (H. R. 16509) to amend section 12 of the naturalization laws, reported the same with amendments, accompanied by a report (No. 1253), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. WILSON of Illinois, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill of the House (H. R. 17138) to establish a fish-hatching and fish-culture station in Monroe County, State of Illinois, reported the same with amendments, accompanied by a report (No. 1254), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill of the House (H. R. 17139) to establish a fish-hatchery and fish-cultural station in the State of Louisiana, reported the same with amendments, accompanied by a report (No. 1255), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. MANN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 17707) to authorize William H. Standish to construct a dam across James River, in Stone County, Mo., and divert a portion of its waters through a tunnel into the said river again to create electric power, reported the same with amendments, accompanied by a report (No. 1256), which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 18350) to authorize the Missouri Central Railroad Company to construct a bridge across the Missouri River near the city of Glasgow, in the State of Missouri, reported the same with amendment, accompanied by a report (No. 1257), which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 18351) to authorize the Missouri Central Railroad Company to construct a bridge across the Missouri River near the city of St. Charles, in the State of Missouri, reported the same with amendment, accompanied by a report (No. 1258), which said bill and report were referred to the House Calendar.

Mr. RICHARDSON, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 18615) to authorize the Cairo and Tennessee River Railroad Company to construct bridges across the Cumberland River, reported the same without amendment, accompanied by a report (No. 1259), which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 18616) to authorize the Cairo and Tennessee River Railroad Company to construct a bridge across the Tennessee River, reported the same without amendment, accompanied by a report (No. 1260), which said bill and report were referred to the House Calendar.

Mr. KNOWLAND, from the Committee on Interstate and Foreign Commerce, to which was referred the resolution of the Senate (S. Res. 58) authorizing the Secretary to War to establish harbor lines in Wilmington Harbor, California, reported the same without amendment, accompanied by a report (No. 1261), which said resolution and report were referred to the House Calendar.

Mr. HULL of Iowa, from the Committee on Military Affairs, to which was referred the bill of the Senate (S. 653) to authorize commissions to issue in the cases of officers of the Army retired with increased rank, reported the same without amendment, accompanied by a report (No. 1262), which said bill and report were referred to the House Calendar.

Mr. ESCH, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the Senate (S. 5908) to amend an act authorizing the construction of a dam and bridge across the Missouri River in the State of Montana, reported the same without amendment, accompanied by a report (No. 1263), which said bill and report were referred to the House Calendar.

Mr. KNOWLAND, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the Senate (S. 6028) to provide for safety of life on navigable waters during regattas or marine parades, reported the same without amendment, accompanied by a report (No. 1264), which said bill and report were referred to the House Calendar.

Mr. HULL of Iowa, from the Committee on Military Affairs, to which was referred the resolution of the Senate (S. R. 28) authorizing and directing the Secretary of War to donate certain cannon, with their accessories, to the State of New Hampshire, reported the same without amendment, accompanied by a report (No. 1265), which said resolution and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House as follows:

Mr. HOWELL of Utah, from the Committee on Claims, to which was referred the bill of the House (H. R. 5461) for the relief of Lawson M. Fuller, major, Ordnance Department, United States Navy, reported the same without amendment, accompanied by a report (No. 1239), which said bill and report were referred to the Private Calendar.

Mr. CANDLER, from the Committee on Claims, to which was referred the bill of the House (H. R. 8924) for the relief of the heirs of Abraham Jones, reported the same without amendment, accompanied by a report (No. 1240), which said bill and report were referred to the Private Calendar.

Mr. CLAYTON, from the Committee on War Claims, to which was referred the bill of the House (H. R. 13928) for the relief of P. H. McDonough, of Bardstown, Ky., reported the same without amendment, accompanied by a report (No. 1241), which said bill and report were referred to the Private Calendar.

Mr. TIRRELL, from the Committee on Claims, to which was referred the bill of the Senate (S. 1729) for the relief of Alice M. Stafford, administratrix of the estate of Capt. Stephen R. Stafford, reported the same without amendment, accompanied by a report (No. 1242), which said bill and report were referred to the Private Calendar.

Mr. LAW, from the Committee on War Claims, to which was referred the bill of the Senate (S. 2886) for the relief of the legal representatives of the late firm of Lapene & Ferre, reported the same without amendment, accompanied by a report (No. 1243), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred as follows:

A bill (H. R. 18423) to correct the military record of Mark Tomlinson—Committee on Military Affairs discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 6312) granting a pension to Lewis A. Walker—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 12835) granting an increase of pension to Charles May—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 18658) for the relief of Thomas B. Tweedle—Committee on Military Affairs discharged, and referred to the Committee on War Claims.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. POWERS: A bill (H. R. 19407) establishing a light and fog-signal station on or near Clark Ledge, entrance to St. Croix River, State of Maine—to the Committee on Interstate and Foreign Commerce.

By Mr. SLAYDEN: A bill (H. R. 19408) to authorize the Secretary of War to donate to the Albert Sidney Johnston Camp, No. 1, Confederate Veterans, of San Antonio, Tex., not to exceed fifty obsolete Springfield rifles, bayonets, and bayonet scabbards for the same—to the Committee on Military Affairs.

By Mr. LINDBERGH: A bill (H. R. 19409) to amend the act of Congress authorizing the construction of a dam across the Crow Wing River, in the State of Minnesota—to the Committee on Interstate and Foreign Commerce.

By Mr. RUSSELL of Missouri: A bill (H. R. 19410) for a survey of Little Black River, Missouri—to the Committee on Rivers and Harbors.

By Mr. CALE: A bill (H. R. 19411) authorizing the incorporated town of Valdez, Alaska, to issue bonds to the amount of $15,000 for the purpose of constructing dams and dikes for protection against glacier streams—to the Committee on the Territories.

By Mr. JONES of Washington: A bill (H. R. 19412) authorizing the construction of a bridge across the Okanogan River, Washington—to the Committee on Interstate and Foreign Commerce.

By Mr. KIMBALL: A bill (H. R. 19413) for the construction of an addition to the United States post-office, public building, and court room in the city of Frankfort, State of Kentucky, and for repairs and alterations to the present building—to the Committee on Public Buildings and Grounds.

By Mr. GARDNER of Massachusetts: A bill (H. R. 19414) providing for the erection of a post-office building at Beverly, Mass.—to the Committee on Public Buildings and Grounds.

By Mr. PETERS: A bill (H. R. 19415) to repeal the application of the coastwise shipping laws of the United States to the traffic between ports in the Philippine Islands and between ports in the Philippine Islands and ports in the United States, and for other purposes—to the Committee on Insular Affairs.

By Mr. KEIFER: A bill (H. R. 19416) granting a pension to all persons who have lost their hearing from causes originating in the military service of the United States—to the Committee on Invalid Pensions.

By Mr. McCREARY: A bill (H. R. 19417) to amend an act entitled "An act for the protection of persons furnishing material and labor for the construction of public works"—to the Committee on the Judiciary.

By Mr. BRADLEY: A bill (H. R. 19418) granting condemned cannon for Stony Point State Park, New York—to the Committee on Military Affairs.

By Mr. OLCOTT: A bill (H. R. 19419) to amend an act entitled "An act to provide for the reorganization of the consular service of the United States"—to the Committee on Foreign Affairs.

By Mr. CRUMPACKER: A bill (H. R. 19420) authorizing a judicial review of law and facts in fraud-order cases—to the Committee on the Judiciary.

By Mr. MONDELL: A bill (H. R. 19421) to provide for the entry and sale of public lands containing coal—to the Committee on the Public Lands.

By Mr. KAHN: A bill (H. R. 19422) granting a certain right of way to the Southern Pacific Company—to the Committee on Military Affairs.

By Mr. BURTON of Ohio: A bill (H. R. 19423) to incorporate the Hungarian-American Federation—to the Committee on the District of Columbia.

By Mr. SLAYDEN: A bill (H. R. 19462) to amend section 5438 of the Revised Statutes—to the Committee on Military Affairs.

By Mr. EDWARDS of Georgia: Resolution (H. Res. 306) of sympathy for the Irish people in their struggle for home rule—to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ADAIR: A bill (H. R. 19424) granting an increase of pension to Henry McLean—to the Committee on Invalid Pensions.

By Mr. ASHBROOK: A bill (H. R. 19425) to remove the charge of desertion from the military record of Samuel V. Miller—to the Committee on Military Affairs.

By Mr. BARCHFELD: A bill (H. R. 19426) granting an increase of pension to Harris Hoover—to the Committee on Invalid Pensions.

By Mr. BARCLAY: A bill (H. R. 19427) granting an increase of pension to Richard L. S. Sheckels—to the Committee on Invalid Pensions.

By Mr. BEALE of Pennsylvania: A bill (H. R. 19428) granting an increase of pension to George Logan von Horn—to the Committee on Invalid Pensions.

By Mr. BOYD: A bill (H. R 19429) granting an increase of pension to William A. Barnes—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19430) granting an increase of pension to Mathew Doyle—to the Committee on Invalid Pensions.

By Mr. CALE: A bill (H. R. 19431) granting an increase of pension to William S. Lewis—to the Committee on Invalid Pensions.

By Mr. CARLIN: A bill (H. R. 19432) for the relief of J. C. Howell—to the Committee on War Claims.

Also, a bill (H. R. 19433) for the relief of the executors of the estate of Curtis Burr Graham, deceased—to the Committee on War Claims.

By Mr. CLAYTON: A bill (H. R. 19434) granting a pension to Mettie Blackwood—to the Committee on Pensions.

By Mr. DAVIDSON: A bill (H. R. 19435) granting an increase of pension to Rollin S. Burbank—to the Commitee on Invalid Pensions.

By Mr. GARNER: A bill (H. R. 19436) for the relief of Robert W. Prosser, of Valverde County, Tex.—to the Committee on Indian Affairs.

By Mr. HOUSTON: A bill (H. R. 19437) for the relief of Martha S. Murfree—to the Committee on War Claims.

Also, a bill (H. R. 19438) granting an increase of pension to Paul Kerr—to the Committee on Pensions.

By Mr. HUMPHREY of Washington: A bill (H. R. 19439) granting an honorable discharge to George W. Quimby—to the Committee on Military Affairs.

By Mr. JACKSON: A bill (H. R. 19440) granting an increase of pension to Mary M. Baker—to the Committee on Pensions.

Also, a bill (H. R. 19441) granting a pension to Sarah Rebecca Mobray—to the Committee on Pensions.

Also, a bill (H. R. 19442) granting a pension to Elizabeth A. Blades—to the Committee on Pensions.

Also, a bill (H. R. 19443) granting a pension to Elizabeth Brown—to the Committee on Pensions.

Also, a bill (H. R. 19444) granting a pension to Susan E. Bowman—to the Committee on Pensions.

Also, a bill (H. R. 19445) for the relief of Edward Boone and the heirs of William Boone—to the Committee on Claims.

Also, a bill (H. R. 19446) granting an increase of pension to Lumon Gee—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19447) construing discharges of members of Company K, First Regiment Maryland Eastern Shore Volunteers, as honorable—to the Committee on Military Affairs.

By Mr. KENNEDY of Iowa: A bill (H. R. 19448) granting an increase of pension to George Ross—to the Committee on Invalid Pensions.

By Mr. McHENRY: A bill (H. R. 19449) granting a pension to Abraham Hess—to the Committee on Invalid Pensions.

By Mr. MADISON: A bill (H. R. 19450) granting an increase of pension to William C. M. Bishop—to the Committee on Invalid Pensions.

By Mr. PATTERSON: A bill (H. R. 19451) granting an increase of pension to Joseph Robinson—to the Committee on Invalid Pensions.

By Mr. SMITH of Texas: A bill (H. R. 19452) for the relief of Parker Burnham—to the Committee on Claims.

By Mr. STERLING: A bill (H. R. 19453) granting an increase of pension to William H. H. McDowell—to the Committee on Invalid Pensions.

By Mr. STURGISS: A bill (H. R. 19454) for the relief of Margaret A. Timberlake, administratrix of Richard Timberlake, deceased—to the Committee on War Claims.

By Mr. TAWNEY: A bill (H. R. 19455) granting an increase of pension to Adam Dotzenrod—to the Committee on Invalid Pensions.

By Mr. THISTLEWOOD: A bill (H. R. 19456) for the relief of Adam Miller—to the Committee on Naval Affairs.

Also, a bill (H. R. 19457) granting an increase of pension to Jesse McBride—to the Committee on Invalid Pensions.

By Mr. TOU VELLE: A bill (H. R. 19458) granting an increase of pension to Erasmus B. Manahan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19459) to remove the charge of desertion from the record of John M. Jones—to the Committee on Military Affairs.

By Mr. WEEKS: A bill (H. R. 19460) granting an increase of pension to George A. Brown—to the Committee on Invalid Pensions.

By Mr. WILSON of Illinois: A bill (H. R. 19461) to provide for the submission to the Court of Claims of the claims against the Mississippi Choctaws of J. J. Beckham, for services rendered and expenses incurred in the matter of the claims of the Mississippi Choctaws to citizenship in the Choctaw Nation—to the Committee on Indian Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ACHESON: Paper to accompany bill for relief of Jacob Grim—to the Committee on Invalid Pensions.

By Mr. ASHBROOK: Petition of Peace Society of Friends of Philadelphia, against increase of the Navy—to the Committee on Naval Affairs.

By Mr. ALEXANDER of Missouri: Paper to accompany bill for relief of Jacob Clute—to the Committee on Invalid Pensions.

By Mr. BRADLEY: Petition of Division No. 292, Brotherhood of Locomotive Engineers, of Middletown, N. Y., against the Penrose bill—to the Committee on the Post-Office and Post-Roads.

By Mr. BURLEIGH: Petition of W. L. Rice, president of Lumbermen's Exchange of Philadelphia, for provision for taking census of standing timber in the United States—to the Committee on the Census.

By Mr. CALE: Paper to accompany bill for relief of William S. Lewis—to the Commitee on Invalid Pensions.

By Mr. CALDER: Petition of Arthur Cheatle, against the Penrose bill—to the Committee on the Post-Office and Post-Roads.

Also, petition of Buffalo Credit Men's Association, for present bankruptcy bill and all proposed amendments thereto—to the Committee on the Judiciary.

Also, petition of David S. White, for the Kittredge copyright bill—to the Committee on Patents.

By Mr. CHANEY: Paper to accompany bill for relief of John W. Smith, of Indian Springs, Ind.—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of John W. Smith—to the Committee on Invalid Pensions.

By Mr. CLARK of Florida: Papers to accompany H. R. 9103, 9098, and 9099—to the Committee on Public Buildings and Grounds.

Also, petition of H. E. Kennedy, secretary Local No. 76, International Union of Shiprights, Joiners, and Calkers of America, against legislation prohibiting liquor traffic—to the Committee on the Judiciary.

Also, petition of sundry citizens of Florida, against the Penrose bill—to the Committee on the Post-Office and Post-Roads.

Also, petition of Florida State convention of postmasters, for parcels post, postal savings bank, and mail subsidy bill—to the Committee on the Post-Office and Post-Roads.

Also, petition of Savannah Pilot Association, against H. R. 4771 (Littlefield pilotage bill)—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Jacksonville (Fla.) Board of Trade, for a better Life-Saving Service—to the Committee on Interstate and Foreign Commerce.

Also, petition of Rugz Brothers Canning Company, of Apalachicola, Fla., against the Mann bill to amend pure-food bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of Lodge No. 257, International Association of Machinists, of Jacksonville, Fla., for battle-ship building in navy-yards—to the Committee on Naval Affairs.

Also, paper to accompany bill for relief of Salvador Costa—to the Committee on War Claims.

By Mr. COOK of Pennsylvania: Petition of Peace Association of Friends, of Philadelphia, against increase of the Navy—to the Committee on Naval Affairs.

By Mr. DAVIDSON: Petitions of Polish Newspaper Association and Rev. W. B. Palaczyk and others, representing 41,000 Polish-American citizens of Wisconsin, for adoption of the Bates resolution of sympathy and good will—to the Committee on Foreign Affairs.

By Mr. DRAPER: Petition of New York Credit Men's Association, for the bankruptcy law and proposed amendments thereto—to the Committee on the Judiciary.

Also, petition of Peace Association of Friends, of Philadelphia, against authorization of $60,000,000 for expenditures in the Navy for battle ships, cruisers, docks, etc.—to the Committee on Naval Affairs.

Also, petition of New York Board of Trade and Transportation, against the Aldrich currency bill—to the Committee on Banking and Currency.

By Mr. ELLIS of Oregon: Petition of Credit Men's Association of Portland, Oreg., against repeal of the bankruptcy act—to the Committee on the Judiciary.

By Mr. ESCH: Petition of editor of the Daily Kuryer Polski, of Milwaukee, Wis., favoring the Bates resolution of sympathy for the Poles in Prussia in their efforts for property rights in that country—to the Committee on Foreign Affairs.

Also, petition of Guard Rail Lodge, No. 168, Brotherhood of Locomotive Firemen, of North La Crosse, Wis., for the La Follette-Sterling employers' liability bill, and against the Knox bill—to the Committee on the Judiciary.

By Mr. FULLER: Petition of Art Institute of Chicago, for removal of duty on art works—to the Committee on Ways and Means.

Also, petition of Dekalb County, Ill., prohibition convention, for the Littlefield bill—to the Committee on the Judiciary.

Also, petition of Armstrong Brothers Tool Company, of Chicago, Ill., for the Fowler currency bill (H. R. 12677)—to the Committee on Banking and Currency.

Also, petition of Woman's Christian Temperance Union of Sandwich, Ill., against restoration of Army canteen—to the Committee on Military Affairs.

By Mr. GOULDEN: Petition of Louis F. Kuntz, of New York City, for H. R. 428, creating national registration for automobiles—to the Committee on Interstate and Foreign Commerce.

Also, petition of citizens of New York and vicinity, for relief for heirs of victims of *General Slocum* disaster—to the Committee on Claims.

By Mr. GRONNA: Petition of citizens of Maddock, N. Dak., for the McCumber Federal inspection of grain bill and against speculation in futures in grain or other commodities—to the Committee on Interstate and Foreign Commerce.

Also, petition of citizens of Esmond, N. Dak., for defeat of the Penrose bill—to the Committee on the Post-Office and Post-Roads.

By Mr. HAMILTON of Michigan: Petition of soldiers of Otsego, Mich., for the Sherwood bill—to the Committee on Invalid Pensions.

By Mr. HARRISON: Petition of New York Board of Trade and Transportation, against Aldrich currency bill—to the Committee on Banking and Currency.

Also, petition of National Association of Clothiers' Convention, against the Aldrich currency bill—to the Committee on Banking and Currency.

By Mr. HEPBURN: Petition of citizens of Clark County, Iowa, for H. R. 40 (prohibition in the District of Columbia)—to the Committee on the District of Columbia.

Also, petition of citizens of Clark County, Iowa, against religious legislation in the District of Columbia (H. R. 4897)—to the Committee on the District of Columbia.

By Mr. HIGGINS: Petition of Chamber of Commerce of New Haven for forest reservations in White Mountains and Southern Appalachian Mountains—to the Committee on the Judiciary.

By Mr. HOWELL of Utah: Petition of 56 citizens of New York and vicinity, for relief for heirs of victims of *General Slocum* disaster—to the Committee on Claims.

Also, petition of Peace Association of Friends, of Philadelphia, against proposed four battle ships—to the Committee on Naval Affairs.

Also, petition of 250 citizens of Cedar City, Utah, against the Penrose bill (S. 1518)—to the Committee on the Post-Office and Post-Roads.

By Mr. HOUSTON: Paper to accompany bill for relief of Martha S. Murfree—to the Committee on War Claims.

By Mr. KAHN: Petition of San Francisco Labor Council, for H. R. 4064, regarding convict-made goods—to the Committee on Labor.

Also, petitions of Local Union No. 44, International Association of Marble Cutters, and Elevator Constructors' Local Union No. 8, both of San Francisco, Cal., for battle-ship building in navy-yards—to the Committee on Naval Affairs.

Also, petition of Irish Nationalists, of San Francisco, Cal., against arbitration treaty with Great Britain—to the Committee on Foreign Affairs.

By Mr. KELIHER: Petitions of Morris M. Comanday, Muasha Krautzman, Wolf Davis, and Theodore Herr Lodge, No. 17, I. O. U. H., of Boston, Mass., against educational test, increase in head tax, limiting number of immigrants to arrive in one year, and money-in-pocket feature—to the Committee Immigration and Naturalization.

Also, petition of Boston Associated Board of Trade, for an elastic and Government-guaranteed currency—to the Committee on Banking and Currency.

Also, petition of Brotherhood of Railway Trainmen of Boston, for the La Follette-Sterling employers' liability bill and Rodenberg anti-injunction bill—to the Committee on the Judiciary.

Also, petition of Boston Associated Board of Trade, for forest reservations in White Mountains and Southern Appalachian Mountains—to the Committee on Agriculture.

By Mr. KEIFER: Petitions of William Keon, George D. Hoerning, Dewold F. Buchannan, Edward McGuire, and, respectively, 25, 23, 28, and 24 others, in all 100 citizens of New York and vicinity, for relief for heirs of victims of *General Slocum* disaster—to the Committee on Claims.

By Mr. LINDBERGH: Petition of Post No. 40, Grand Army of the Republic, of Sauk Center, Minn., against removal of the Milwaukee pension agency—to the Committee on Appropriations.

By Mr. McKINNEY: Petition of Arthur W. Marsh Post, Grand Army of the Republic, of Warsaw, Ill., against consolidation of pension agencies—to the Committee on Appropriations.

By Mr. McMORRAN: Petition of citizens of Port Huron, Mich., for battle-ship building in the navy-yards—to the Committee on Naval Affairs.

By Mr. MADDEN: Petition of citizens of New York and vicinity, for relief for heirs of victims of *General Slocum* disaster—to the Committee on Claims.

By Mr. MOON of Tennessee: Paper to accompany bill for relief of Charles May (previously referred to the Committee on Invalid Pensions)—to the Committee on Pensions.

By Mr. PATTERSON: Paper to accompanying bill for relief of Joseph Robinson—to the Committee on Invalid Pensions.

By Mr. PAYNE: Petition of citizens of Cato, Cayuga County, N. Y., for a national highway commission—to the Committee on Agriculture.

By Mr. REEDER: Petition of Western Retail Implement and Vehicle Dealers' Association, against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of Nathan L. Fritts, for the Sherwood pension bill—to the Committee on Invalid Pensions.

By Mr. SHERWOOD: Petition of steam engineers of Toledo, Ohio, for battle-ship building in navy-yards—to the Committee on Naval Affairs.

By Mr. LOWDEN: Petition of city council of Galena, Ill., for improvement of the Mississippi River by a channel at least 6 feet in depth from St. Louis to Minneapolis—to the Committee on Rivers and Harbors.

By Mr. SPERRY: Petition of Chamber of Commerce of New Haven, Conn., for forest reservations in White Mountains and Southern Appalachian Mountains—to the Committee on Agriculture.

By Mr. STEPHENS of Texas: Petition of G. M. Tirely and other citizens of Henrietta, Tex., against the Penrose bill—to the Committee on the Post-Office and Post-Roads.

By Mr. STURGISS: Paper to accompany bill for relief of estate of Richard Timberlake—to the Committee on War Claims.

Also, petition of citizens of Simpson, Taylor County, W. Va., against the Penrose bill—to the Committee on the Post-Office and Post-Roads.

By Mr. SULZER: Petition of Peace Association of Friends of Philadelphia, against increase of the Navy—to the Committee on Naval Affairs.

Also, petition of United Mine Workers of America, for a sixteenth amendment to the Constitution, for woman suffrage—to the Committee on the Judiciary.

Also, petition of E. S. Fleisinger, for the Kittredge-Barchfeld copyright bill—to the Committee on Patents.

By Mr. TIRRELL: Petitions of Louis H. Wezsel, Gaston Mors, Aaron Warkowstz, and Louis A. Cahn, and others, citizens of New York and vicinity, for relief for heirs of victims of *General Slocum* disaster—to the Committee on Claims.

Also, petitions of Henry J. Andrus and others; Starling Grange, No. 53, and Fred R. Frask and others, for a national highway commission—to the Committee on Agriculture.

By Mr. THOMAS of North Carolina: Petition of citizens of Grantsboro, N. C., against the Penrose bill—to the Committee on the Post-Office and Post-Roads.

By Mr. WANGER: Petition of Smoky City Lodge, No. 219, Brotherhood of Locomotive Firemen and Engineers, of Allegheny, Pa., for the La Follette-Sterling liability bill, the Rodenberg anti-injunction bill, and the Clapp free-pass amendment—to the Committee on Interstate and Foreign Commerce.

Also, petition of Jay E. Remley, legislative representative of Brotherhood of Locomotive Firemen and Engineers, in favor 11794, favoring Kittredge copyright bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of John Luther Long, for S. 2900 and H. R. 11794, favoring Kittridge copyright bill—to the Committee on Patents.

Also, petition of Peace Association of Friends, of Philadelphia, Pa., against building four new battle ships at a cost exceeding $60,000,000—to the Committee on Naval Affairs.

SENATE.

WEDNESDAY, *March 18, 1908.*

The Chaplain, Rev. EDWARD E. HALE, offered the following prayer:

The law of the spirit of life in Christ Jesus hath made us free from the law and of death.

* * * * * * *

For we know that if the earthly house of our tabernacle be dissolved, we have a building from God—a house not made with hands, eternal in the heavens.

* * * * * * *

We are always of good courage and are willing rather to be absent from the body and to be present with the Lord.

Even so, Father, come to us. We are Thy children. In life or in death, in strength or in weakness, we can always come to Thee for a Father's voice; we can always rest on a Father's arm.

Father, we ask Thy blessing upon those of his own household, who watched over his illness and who see his face in death. For ourselves, his associates here, we thank Thee for a life which he has given to the service of his country, and we ask Thee to bless us and lift us up, that we may all stand in the presence of our God and of this nation, that each man may consecrate life to heaven and to earth together. These two worlds are one world, and the law of the Spirit of Life makes us free from the fear of death.

Go with us where we go. Stay with us where we stay. We are praying for the Congress, for the nation, Father, for all who loved him and honored him, and for all who prize the government of law, in Christ Jesus.

Our Father, who art in heaven, hallowed be Thy name. Thy kingdom come. Thy will be done, on earth as it is done in heaven. Give us this day our daily bread, and forgive us our trespasses as we forgive those who trespass against us. Lead us not into temptation; but deliver us from evil; for Thine is the kingdom and the power and the glory, forever. Amen.

THE JOURNAL.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. CULBERSON, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

DEATH OF SENATOR WILLIAM PINKNEY WHYTE.

Mr. RAYNER. Mr. President, it is with feelings of profound sorrow that I announce to the Senate the death of the Hon. WILLIAM PINKNEY WHYTE, the distinguished Senator from Maryland. He died last night at his home in Baltimore at 7 o'clock. I had observed within the last few weeks the plainest evidence of his failing health, but, knowing his speedy powers of recuperation, I had strong hopes that he would rally from the attack from which he was suffering. It was otherwise de-